


# Memorandum



**Date:** May 20, 2025

**To:** Honorable Chairman Anthony Rodriguez  
and Members, Board of County Commissioners

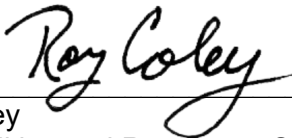
Agenda Item No. 1(F)(1)

**From:** Daniella Levine Cava   
Mayor

**Subject:** Sunset Review of County Boards: 2019-2022 Historic Preservation Board

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In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2019-2022 Sunset Review of County Boards Report for the Historic Preservation Board. The Board approved the attached report at its meeting of July 24, 2024, and has recommended the continuation of its board.



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Roy Coley  
Chief Utilities and Regulatory Services Officer

**Date:** July 24, 2024

**To:** Daniella Levine Cava  
Mayor

**From:** Jared Beck  
Chairperson, Historic Preservation Board

**Subject:** Sunset Review of County Boards for 2022 – Historic Preservation Board

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Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2022 Sunset Review of County Boards Report for the Historic Preservation Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of July 24, 2024

It is recommended that the BCC approve the continuation of the Historic Preservation Board.

### **BACKGROUND**

The Historic Preservation Board (Board) was created on February 17, 1981 as a governmental agency of the County government in and for Miami-Dade County, Florida. The Board is vested with the power, authority, and jurisdiction to designate, regulate, and administer historical, cultural, archaeological, paleontological, and architectural resources in Miami-Dade County, Florida, as prescribed by County ordinance 16A under the direct jurisdiction and legislative control of the Board of County Commissioners.

The Historic Preservation Board is responding to immediate community needs by holding monthly meetings at which renovation/rehabilitation applications and potential designations are considered. The Board continues to address community concerns related to the retention of our valuable historic resources by supporting, either through application approvals or resolutions, the various historic projects being undertaken by the County and the community at large.

No other board can better serve the functions of the Historic Preservation Board. The items and applications that come before this board are specific in nature to historic preservation, urban planning and environmental preservation issues. Since Miami-Dade County is a Certified Local Government (CLG) the State has "certified" that our ordinance includes certain provisions, including a requirement that our board be made up of certain professionals from the fields of architecture, archaeology, history, real estate, and the law.

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Jared Beck  
Board Chairperson

# SUNSET REVIEW QUESTIONNAIRE

## MIAMI-DADE COUNTY BOARDS

### I. GENERAL INFORMATION

1. Name of Board reporting: Historic Preservation Board
2. Indicate number of board members, terms of office, and number of vacancies:

Number of Board Members: 9

Terms of Office: 4-year terms, can serve 2 consecutive terms

Number of Vacancies: 4

*Note, these numbers reflect the membership at the end of the reporting period.*

3. Identify number of meetings and members' attendance  
(Attach records reflecting activity from **January 1, 2019** through **December 31, 2022**):

Number of Meetings:

2019: 7 meetings

2020: 8 meetings

2021: 9 meetings

2022: 7 meetings

Total: 31 meetings

Number of Meetings with a Quorum: 31

Attendance Records: **See Attachment # 1**

4. What is the source of your funding?

Regulatory & Economic Resources, General Fund

5. Date of Board Creation:

February 17, 1981

6. Attach a copy of the ordinance creating the Board. Please include all subsequent amendments. **See Attachment # 2**

7. Include the Board's Mission Statement or state its purpose:

The Historic Preservation Board was created as a quasi-judicial body of the County government in and for Miami-Dade County, Florida. The Board is vested with the power, authority, and jurisdiction to designate, regulate, and administer historic, cultural, archaeological, paleontological, and architectural resources in Miami-Dade County, Florida, as prescribed by County ordinance 16A under the direct jurisdiction and legislative control of the Board of County Commissioners.

8. Attach the Board's standard operating procedures, if any. **See Attachment # 3**

Per Miami-Dade County Code Sec. 16A-8, the Historic Preservation Board (HPB) may, in addition to the Secretary of the Interior's Standards, establish additional standards to aid in regulating historic preservation in the county. The Board of County Commissioners adopted Resolution No. 115-22 on February 1, 2022, establishing Resilient Rehab: A Guide to Historic Buildings in Miami-Dade County as the County's historic preservation guidelines.

9. Attach a copy of the Board's By-Laws, if any. N/A
10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, including a vote of the membership. **See Attachment # 4**

## II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? Please provide detailed information

Yes, the Historic Preservation Board, created in 1981, fulfills its role by continuing to designate local historic sites and districts as well as archaeological sites and zones. For major renovations or new construction, the Board reviews the Certificate of Appropriateness/Certificate to Dig applications and makes their determinations based on federal standards set forth in the Secretary of the Interior's Standards for the Treatment of Historic Properties, as required by County ordinance 16A. In addition to the Standards, the Board bases their determinations on testimony provided at the public hearings.

2. Is the Board serving current community needs? (Please provide detailed information)

The Historic Preservation Board (HPB) is dedicated as public servants to uplifting the history and experiences of our community through preservation to preserve the built environment for future generations. The HPB routinely reviews projects that are focused on addressing rehabilitation of historic structures, recognition of sites for potential designation and design review for new development occurring near historic resources or within historic districts. The Board welcomes community feedback through public comments on presented designations, rehabilitation and preservation projects, using their expertise and knowledge of South Florida's built environment and its history to evaluate proposals to ensure best practices in historical documentation and preservation are maintained in the stewardship of our heritage resources.

The HPB has supported projects focused on the rehabilitation of historic resources like the Historic Hampton House. Moreover, the Board continues to support expansion of designated resources to incorporate sites reflective of the diversity found in our community and its rich history and distinct architecture by approving 5 new designations from 2019-2022 including the Dade County Courthouse Interior, and Liberty City Elks Lodge. The HPB remains abreast of preservation best practices and historical research through discussion with the community and County staff and continues to work in support of the long-term recognition and preservation of cultural resources in Miami-Dade County. With careful consideration and reference to the Secretary of Interior's Standards and Miami-Dade County's adopted Design Guidelines, the Board has also reviewed and approved projects for the reconstruction of the Hickson House Carriage House, construction of single-family homes within the Goulds historic District which aim to address affordable housing needs, and the relocation of the Caves



Residence, along with projects supporting the increased resiliency of heritage resources amid Miami-Dade's changing environment incorporating hurricane resistant materials for rehabilitation projects.

3. What are the Board's major accomplishments?
  - a. From January 1, 2019 thru December 31, 2022:

For calendar years 2019, 2020, 2021, and 2022, the HPB had several major accomplishments, including designating 7 historic sites and 2 archaeological zones; recommended Board of County Commissioner approval of 18 Ad Valorem Tax Exemption applications; reviewed 37 Special Certificates of Appropriateness; and recommended State approval of 2 National Register of Historic Places nominations.

Several additional projects have also been accomplished, including the adoption of Resilient Rehab: A Guide to Historic Buildings in Miami-Dade County as the County's historic preservation guidelines. Per Miami-Dade County Code Sec. 16A-8, the HPB adopted these governing standards via HPB Resolution No. 2021-22 on September 15, 2021. Final adoption was approved by the BCC through the adoption of Reso. No. 115-22.

**See also Attachment #5**

- b. Since established. **See Attachment #6**
4. Is there any other board, either public or private, which would better serve the function of this board?

No other board can better serve the functions of the Historic Preservation Board. The County code specifically creates the Historic Preservation Board and prescribes the makeup of its members, as the items and applications that come before this Board are specific in nature to historic preservation, urban planning, and environmental preservation issues. Miami-Dade County has been a Certified Local Government (CLG) since 1987, indicating that the State has "certified" that our ordinance contains certain provisions, including a requirement that our Board be partially comprised of professionals from the fields of architecture, history, real estate, and the law.

5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)

The County's Historic Preservation Ordinance was extensively revised in 2016; no further amendments are being proposed at this time.

6. Should the Board's membership requirements be modified?

No, the current membership is required to be comprised of a mix of professionals with interests and experience in the fields of law, real estate, architecture, history, and archaeology. This provides strong representation of the broad constituency of the county's historical groups. The Board's makeup is regulated by the ordinance and by State requirements, in order to encompass the technical expertise needed to fulfill the ordinance's purpose and stated duties of the Board.

7. What is the operating cost of the Board, both direct and indirect?

The Historic Preservation Board members serve in a fully voluntary capacity. There is no specific county budget for the Board itself. The Board staff serves the Commission in implementing the Historic Preservation Ordinance. The County and all its citizens are direct beneficiaries of the valuable contributions that these Board members make as custodians of the County's historic and archaeological resources. Staff costs include staff time to prepare for and attend the board meetings. Staff members are not assigned exclusively to the Board, they carry out other responsibilities to the County.

Office supply costs that are related to the Board include paper for agenda packet and designation report preparations; envelopes and postage for owner notification mailings; resolution recording fees; court reporter attendance; equipment for meetings, including projector and digital recorder; and parking stamp booklet used for the members.

Direct costs associated with staffing and office supplies to run the Board: approximately \$15,000 per year.

8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.

The Historic Preservation Chief reports to the Board each month, and the Board's activities, agendas, and minutes are copied to the Department of State, Division of Historical Resources, as part of the State's Certified Local Government requirements. HPB staff have also undertaken data audits of county-designated historic sites to provide metrics to ascertain the level of representation and diversity reflected in the HPB's work.

**MIAMI-DADE COUNTY  
HISTORIC PRESERVATION BOARD**

*Miami-Dade County, Florida*

*Office of Historic Preservation*

**2019 ATTENDANCE RECORD**

<b>Board Member</b>	<b>Jan 16</b>	<b>Feb 27</b>	<b>Mar 20</b>	<b>Apr 24</b>	<b>May 15</b>	<b>June 19</b>	<b>Jul 24</b>	<b>Aug 21</b>	<b>Sept 18</b>	<b>Oct 23</b>	<b>Nov 20</b>	<b>Dec 18</b>
Appel, Gary	P	P		P	P			P	A(E)		P	
Cohen, Richard	P	P		P	P							
George, Paul	P	P		A(E)	P			A(E)	P		A(E)	
Jester, Melinda	P	P		P	P			P	A(E)		P	
McLaughlin, Megan					P			P	A(E)		P	
Rionda, Anthony	A(E)	P		P	A(E)			P	P		A(U)	
Smith, William Robert	P	P		P	P			P	P		P	
Solera, Lourdes	P	P		A(E)	P			P	P		A(E)	
Stewart, Cecilia	P	P		P	P			P	P		P	
Tapias, Harry									P		P	

*Code: P = Present*

*A (E) – Absent (excused)*

*A (U) – Absent (unexcused)*

*Meeting cancelled*

*Resigned or not yet appointed*

## 2020 ATTENDANCE RECORD

Board Member	Jan 8	Feb 26	Mar 18	Apr 15	May 20	June 17	July 22	Aug 26	Sept 30	Oct 21	Nov 18	Dec 16
Appel, Gary	P	P				P	P	P	P	P	P	
George, Paul	P	P				P	P	P	P	P	A(E)	
Jester, Melinda	A(E)	P				P	P	P	P	P	P	
McLaughlin, Megan	P	A(E)				P	P	P				
Rionda, Anthony	P	A(E)				P	P	P	P	P	P	
Smith, William Robert	P	P				P	P	P	P	P	P	
Solera, Lourdes	P	P				P	P	P	P	P	P	
Stewart, Cecilia	P	P				P	P	P	P	P	A(E)	
Tapias, Harry	P	P				P	P	P	A(E)	A(E)	P	

Code: P = Present

A (E) – Absent (excused)

A (U) – Absent (unexcused)

Meeting cancelled

Resigned or not yet appointed

## 2021 ATTENDANCE RECORD

Board Member	Jan 6	Feb 10	Mar 17	Apr 21	May 12	June 16	July 21	Sept 15	Oct 20	Nov 17	Dec 15
Appel, Gary		P	P	P	P	P	P	A(E)	P	P	
Beck, Jared					P	P	P	A(E)	P	P	
George, Paul		A(E)	P	P	P	C	A(E)	P	A(E)	P	
Jester, Melinda		P	P	P	P	P	P	A(E)	P	P	
Morejon, Javier									P	P	
Rionda, Anthony		P	A(E)	A(E)	A(E)	A(E)	P	A(E)	A(E)	A(E)	
Ross, Bob			P	P	P	P	P	P	A(U)	P	
Smith, William Robert		P	P	A(E)	P	A(E)	P				
Solera, Lourdes		P									
Stewart, Cecilia		P	P	P	P	P		P	P	P	
Tapias, Harry		P	P	P	P	P	P	P	P	P	
Ulloa, Wesley							P	P	P	P	

Code: P = Present

A (E) – Absent (excused)

A (U) – Absent (unexcused)

Meeting cancelled

Resigned or not yet appointed

## 2022 ATTENDANCE RECORD

Board Member	Jan 5	Feb 16	Mar 16	Apr 20	May 18	June 15	July 20	Sept 21	Oct 19	Nov 16	Dec 21
Appel, Gary		P	P	P	P			P		P	P
Beck, Jared		P	A(E)	P	P			P		P	A(E)
George, Paul		P	A(E)	A(U)	P			P		P	P
Jester, Melinda		P	P	A(E)	P			P		P	P
Morejon, Javier		P	P	P	P			P		P	P
Rionda, Anthony		A(E)									
Ross, Bob		P	P	P	P			P		P	P
Stewart, Cecilia		P	P	P	P			P		P	P
Tapias, Harry		P	A(E)	P	P			P		P	P
Ulloa, Wesley		A(E)	A(E)	P	A(U)			P		A(U)	P

Code: P = Present

A (E) – Absent (excused)

A (U) – Absent (unexcused)

Meeting cancelled

Resigned or not yet appointed



## Chapter 16A - HISTORIC PRESERVATION

*Footnotes:*

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**Editor's note**— At the editor's discretion, §§ 1—16 of Ord. No. 81-13, adopted Feb. 17, 1981, have been included as Ch. 16A of the Code.

**Cross reference**— Building code, Ch. 8; housing, Ch. 17; landscaping, Ch. 18A; planning generally, Ch. 23A; urban renewal, Ch. 30A; zoning, Ch. 33.

## Sec. 16A-1. - Short title.

This Chapter shall be known and may be cited as the "Miami-Dade County Historic Preservation Ordinance."

(Ord. No. 81-13, § 1, 2-17-81; Ord. No. 16-125, § 2, 11-1-16)

## Sec. 16A-2. - Declaration of legislative intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County. Therefore, this Chapter is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features, paleontological and archaeological resources of sites and districts which represent distinctive elements of the County's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;
- (2) Safeguard the County's historical, cultural, archaeological, paleontological and architectural heritage, as embodied and reflected in such individual sites, districts and archaeological zones;
- (3) Foster civic pride in the accomplishments of the past;
- (4) Protect and enhance the County's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of the County.

(Ord. No. 81-13, § 2, 2-17-81; Ord. No. 03-38, § 1, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

## Sec. 16A-3. - Scope of regulations.

- (1) This Chapter is intended to and shall govern incorporated and unincorporated Miami-Dade County.
- (2) The regulatory jurisdiction of the Miami-Dade County Historic Preservation Board pursuant to this Chapter shall extend to:
  - (a) all property located in the unincorporated areas of Miami-Dade County;
  - (b) all property located in incorporated areas of Miami-Dade County except where the municipality has enacted its own historic preservation ordinance in accordance with section 16A-3.1;
  - (c) archaeological and paleontological zones and sites in the incorporated and unincorporated areas of Miami-Dade County except where the municipality has enacted its own historic preservation ordinance in accordance with section 16A-3.1 and the ordinance (1) expressly retains jurisdiction over archaeological and paleontological zones and sites, (2) adopts regulations at least as protective of archaeological and paleontological zones and sites as those in this Chapter, and (3) commits the municipality to retain sufficient archeological personnel or consultants to enforce such regulations; and
  - (d) the enforcement of the minimum standards established by this Chapter as set forth in this Chapter.
- (3) Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the Code.

(Ord. No. 81-13, § 3, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 2, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

**Annotation**—CAO 82-23.

#### Sec. 16A-3.1. - Municipal Historic Preservation.

- (1) *County Technical and Legal Support for Municipal Preservation.* The County Historic Preservation Chief may provide a requesting municipality with technical assistance in preservation matters. Such assistance is not intended to replace the municipality's own commitment of resources to preservation or to divert resources from the County's own preservation responsibilities.
- (2) *Option for Municipalities to Enact Historic Preservation Ordinances.*
  - (a) Any municipality within Miami-Dade County may opt out of the County's historic preservation jurisdiction by enacting its own historic preservation ordinance consistent with the minimum standards of this Chapter. Within 30 days of the adoption of any such municipal ordinance, the municipality shall provide written notice to the County Historic Preservation Chief.

Municipalities that do not adopt their own municipal historic preservation ordinances shall be governed by this Chapter, unless and until such time as they adopt their own historic preservation ordinances, as permitted in this subsection.

- (b) A current list of all municipalities that have adopted their own historic preservation ordinances and programs shall be kept on file with the Office of Historic Preservation and shall be available for inspection.
- (3) *Status of Designated Properties After Transition of Jurisdiction.* In the event that a municipality assumes jurisdiction of historic preservation from the County by enacting an ordinance as provided in this section, all properties previously designated by the Miami-Dade County Historic Preservation Board shall have the status and protections of properties designated under the municipality's historic preservation ordinance unless and until such designation is removed by formal action of the municipality pursuant to its ordinance. The same rule shall apply if the County assumes jurisdiction from a municipality.
- (4) *Minimum Standards for Municipal Ordinances.* Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter, the County hereby adopts the provisions below as minimum standards for municipal historic preservation ordinances.
  - (a) To comply with the minimum standards for historic preservation ordinances, a municipal ordinance shall contain provisions:
    - (i) that establish a historic preservation board, separate and apart from the municipal governing body, which shall be empowered to designate individual sites or districts and to issue certificates of appropriateness and Certificates to Dig; or to advise the city commission regarding such matters. In this regard, this Chapter shall constitute authority for a municipality to delegate to its preservation board the power to designate sites and districts and issue certificates of appropriateness and Certificates to Dig. Appointees to the municipal historic preservation board shall consist of: architects; realtors; historians; lawyers; art historians; engineers; archaeologists; or other individuals from the business, financial, or other segments of the community who, by virtue of their professions, community involvement, or businesses, demonstrate knowledge of or concern for historic preservation. The municipal historic preservation board shall include not less than one architect or architectural historian, one real estate professional or attorney, and one other qualified professional.
    - (ii) that provide procedures for the municipality, its staff, the County Historic Preservation Chief, and private parties to recommend the initiation of designations of historic districts and individual historic sites, whether residential, commercial, industrial, archaeological, or other, pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial hearings, and appeals to court;

- (iii) That protect designated sites or districts by providing criteria for considering demolition applications, as set forth in section 16A-11 of this Chapter, and preventing the issuance of building, construction, zoning, and demolition permits or the significant change of appearance of such sites or districts until a written certificate of appropriateness has been issued;
  - (iv) That protect property owners by procedures (1) to de-designate properties and (2) to vary or modify historic regulation based upon economic hardship pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial public hearings, and appeals to courts;
  - (v) That provide economic incentives for preservation;
  - (vi) That regulate and prevent the demolition of historic buildings by neglect;
  - (vii) That establish the Secretary of Interior's Standards for the Treatment of Historic Properties, as may be amended from time to time, as standards governing preservation, although a municipality may establish additional standards; and
  - (viii) That provide procedures for the municipal historic preservation board to review and make recommendations with respect to historically significant properties identified by any unsafe structures agency, prior to any demolition order being issued, as set forth in section 16A-11 of this Chapter.
- (b) It is a violation of the minimum standards of this section for a municipal historic preservation ordinance:
- (i) To exempt an otherwise historic property from historic regulation or designation on the basis that the owner did not consent to the regulation or designation;
  - (ii) To allow the issuance of a permit for the demolition of a historically-regulated property unless, after a public hearing pursuant to the ordinance, a variance based upon economic hardship has been granted or a certificate of appropriateness to demolish based on express standards in the ordinance has been issued. In this regard, it is a violation of the minimum standards of this section to permit the issuance of a certificate of appropriateness for demolition based solely upon the passage of a certain amount of time after the owner has applied to demolish.
- (c) Municipalities that have already enacted historic preservation ordinances as of the effective date of Ordinance No. 16-125 shall have until December 31, 2017 to bring their ordinances into compliance with these minimum standards.
- (5) *Minimum Operational Standards.* Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter, the County hereby adopts the provisions below as minimum operational standards for municipal historic preservation programs. To comply with the

minimum operational standards for municipal historic preservation, a municipal historic preservation program shall:

- (a) Have a quorum appointed to its historic preservation board at least 9 months in any 12-month period;
  - (b) Conduct public meetings of its historic preservation board no less than 4 times in every calendar year;
  - (c) Provide qualified professional staff to assist the municipal historic preservation board in conducting its business, including evaluating properties and districts for designation, reviewing and issuing certificates of appropriateness, holding quasi-judicial hearings, and otherwise enforcing the terms of its historic preservation ordinance; for purposes of this subsection, "qualified staff" means not less than 1 person who has a bachelor's degree in historic preservation, architecture, architectural history, history, or other closely related field, and who has at least 3 years of professional experience in the field of historic preservation or as a historic preservation planner; or who has a master's degree in the above mentioned fields and who has at least 1 year of professional experience in the field of historic preservation or as a historic preservation planner;
  - (d) Conduct a separate public hearing to consider for designation each property within its jurisdiction listed in the National Register of Historic Places;
  - (e) Produce at least one designation report per calendar year, and present it to the municipal historic preservation board for consideration, until all properties in its jurisdiction listed as historically significant on the municipality's or the County's previous surveys have been considered for designation;
  - (f) Ensure that a historic survey to determine eligible properties and structures within the municipality is completed by municipal historic preservation staff within 2 years of the establishment of a municipal preservation ordinance;
  - (g) Update surveys of eligible historic resources from time to time, either independently or in conjunction with the County; and
  - (h) Annually provide to the County an updated list of all historically designated sites, districts, and archeological resources located within the municipality.
- (6) *Municipality Shall File Annual Report.* Municipalities that exercise jurisdiction of historic preservation shall annually file a report with the County's Office of Historic Preservation, with a copy provided to the Clerk of the Board of the Miami-Dade County Commission. This report shall briefly state the name, address and qualification of its historic preservation board members; when each member joined and, if applicable left the board; the name, address and telephone number of its historic preservation staff members and consultants; and the number of designation reports and certificates of appropriateness prepared and considered in that year.

Attached to the report shall be a copy of the agendas and minutes of the meetings of the municipality's historic preservation board for that year, a list of any designation reports prepared by its staff during that year, and an updated list of all historically designated sites, districts, and archeological resources located within the municipality.

- (7) *Municipal Authority To Obtain Continuances Before Unsafe Structure Agencies.* A municipality that has enacted its own historic preservation ordinance in accordance with this section may obtain continuances before unsafe structure agencies as set forth in section 16A-11 (VI) (b) of this Chapter. For this limited purpose, "Director," "staff," and "Board" as used in that section shall refer to their counterparts in the municipality. The authority provided by this subsection shall be interpreted only to expand, and not to limit, the discretion of a municipality.
- (8) *Municipalities Not in Compliance with Minimum Standards.* Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter regarding a municipal governmental unit's failure to comply with the County's minimum standards, if a municipality is not in compliance with the applicable provisions of this chapter, the following process shall apply:
  - (a) *Notice of non-compliance and opportunity for municipality to take curative action.* The County Historic Preservation Chief shall send notice of non-compliance to the municipality by certified mail, which shall inform the municipality of the nature of the non-compliance and the steps necessary for the municipality to correct the non-compliance within a 6-month time period;
  - (b) *Public hearing before Historic Preservation Board and authority to resume County jurisdiction over historic preservation within municipality.* If, after the 6-month time period above, a municipality has failed to correct the non-compliance, a public hearing shall be set before the Historic Preservation Board to address the non-compliance. A notice shall be sent to the municipality by certified mail setting the hearing for a date certain, which shall be no sooner than 30 days from the date of the notice. The municipality, as well as members of the public and other interested parties, shall have the opportunity to address the Historic Preservation Board. The Historic Preservation Board may take appropriate action to resolve the non-compliance, including revoking the municipality's authority over historic preservation and returning jurisdiction to the County. This provision shall not be construed to require a quasi-judicial proceeding, and the public hearing on municipal non-compliance shall not be quasi-judicial in nature.
  - (c) *Public hearing before the County Commission.* Within 30 days of any action taken by the Historic Preservation Board to address a municipality's non-compliance pursuant to subsection (8)(b) above, the municipality may file a request with the Office of Historic Preservation for a public hearing before the Board of County Commissioners. The public hearing shall promptly be scheduled in coordination with the Clerk of the Board and placed on the next available County Commission agenda, as provided in section 2-1 of the Code. The



municipality, as well as members of the public and other interested parties, shall have the opportunity to address the County Commission. The County Commission shall decide whether to affirm, modify, or reverse the action of the Historic Preservation Board. This provision shall not be construed to require a quasi-judicial proceeding, and the public hearing on municipal non-compliance shall not be quasi-judicial in nature.

- (9) *Voluntary return of authority over municipal historic preservation to the County.* Upon repeal of a municipal historic preservation ordinance, jurisdiction of historic preservation functions and duties shall revert to the County.

(Ord. No. 03-38, § 3, 3-11-03; Ord. No. 16-125, § 2, 11-1-16; Ord. No. 21-43, § 1, 6-2-21)

#### Sec. 16A-3.2. - Authority of the County Historic Preservation Chief to appear as a party.

The County Historic Preservation Chief, or such other person designated by the Mayor, shall have the legal authority to initiate or appear as a party in any administrative, legal proceeding, or appeal involving or arising out of a municipality's determination to designate an individual site or district, to grant or deny a certificate of appropriateness, to grant or deny a request to de-designate or grant a variance to a historic property, or to consider other similar matters involving individual sites or districts. In all such matters, the County Historic Preservation Chief shall be represented by the County Attorney.

(Ord. No. 03-38, § 4, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

**Editor's note—** Ord. No. 16-125, § 2, adopted Nov. 1, 2016, changed the title of § 16A-3.2 from Authority of the Director to Appear as a Party to Authority of the County Historic Preservation Chief to Appear as a Party.

#### Sec. 16A-3.3. - Countywide Master List of Historically Designated Resources.

The County Historic Preservation Chief, or such other person designated by the Mayor, shall maintain an annually updated countywide master list of all historically designated sites, districts, and archeological resources located in the unincorporated and incorporated areas of the County. This master list shall be kept on file at the Office of Historic Preservation and made available online.

(Ord. No. 21-43, § 2, 6-2-21)

#### Sec. 16A-4. - Definitions.

- (1) *Archaeological or paleontological zone:* An area designated by this Chapter which is likely to yield information on the paleontology, history, or prehistory of Miami-Dade County based on prehistoric or historic settlement patterns in Miami-Dade County as determined by the results of the Miami-Dade County historic survey. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities and paleontology.

- (2) *Certificate of appropriateness*: A certificate issued by the Board permitting certain alterations or improvements to a designated individual site or property in a designated district.
  - (a) *Regular certificate of appropriateness*: A regular certificate of appropriateness shall be issued by the staff of the Historic Preservation Board, based on the guidelines for preservation approved by the Board.
  - (b) *Special certificate of appropriateness*. For all applications for a special certificate of appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special certificate of appropriateness is required that is issued directly by the Board.
- (3) *Certificate to dig*: A certificate that gives the Board's permission for certain digging projects that may involve the discovery of as yet unknown or known archaeological or paleontological sites in an archaeological or paleontological zone or district. This certificate is issued according to the criteria and process set forth in section 16A-14 of this Chapter. There are two kinds of Certificates:
  - (a) *Regular Certificate to Dig*: A Certificate that may be issued by the County Historic Preservation Chief.
  - (b) *Special Certificate to Dig*: A Certificate that is issued by the Historic Preservation Board.
- (4) *Contributing Structure*: A structure within a district that retains the architectural, cultural, archaeological, paleontological, or historical significance, and contributes to the identity, of the district.
- (5) *Demolition*: The removal or destruction, in whole or in part, of a building, structure, or environmental feature on any site.
- (6) *Demolition by neglect*: The deliberate, reckless, or inadvertent failure to maintain minimum maintenance standards for any properties designated historic, either individually or as a contributing property in a historic district.
- (7) *District*: A collection of historical, cultural, architectural, archaeological or paleontological sites, buildings, structures, landscape features, or other improvements that are concentrated in the same area. Districts are designated according to the criteria and process set forth in section 16A-10 of this Chapter.
- (8) *Exterior*: All outside surfaces of a building or structure, including windows and doors.
- (9) *Ground disturbing activity*: Any digging, excavating, landscape installation, site preparation work, or other such construction activities related to a designated archaeological or paleontological site, zone, or district.
- (10) *Guidelines for preservation*: Criteria established by the Preservation Board to be used by staff in determining the validity of applications for a regular certificate of appropriateness and any certificate to dig and to establish a set of guidelines for the preservation of archaeological,

paleontological, architectural, cultural, or historic resources.

- (11) *Historic Preservation Board*: A board of citizens created by this Chapter as described in sections 16A-5 through 16A-9, which may also be referred to herein as the "Board."
- (12) *Historic Preservation Chief*: The head of the Miami-Dade County Office of Historic Preservation or successor office.
- (13) *Historic survey*: Any survey done by, or at the direction of, the Historic Preservation Chief or municipal equivalent involving the identification, research, and documentation of buildings, sites, and structures in Miami-Dade County, Florida.
- (14) *Individual site*: An individual site, building, structure, place, or other improvement that has been designated for preservation as an archaeological, paleontological, architectural, cultural, or historic resource pursuant to this Chapter.
- (15) *Integrity*: The authenticity of a property's archaeological, paleontological, architectural, cultural, or historic identity, as evidenced by the survival of physical, structural, or other characteristics that existed during the property's historic or prehistoric period.
- (16) *Landscape feature*: Any improvement or vegetation on a site, including outbuildings, walls, fences, courtyards, fountains, trees, sidewalks or pathways, planters, gates, street furniture, rock formations, solution holes, statuary, or exterior lighting.
- (17) *National Register of Historic Places*: A federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended.
- (18) *Non-contributing structure*: A structure located within a district that does not exhibit the architectural, cultural, archaeological, paleontological, or historical significance for which the district was designated and does not contribute to the identity of the district.
- (19) *Ordinary repairs or maintenance*: Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.
- (20) *Owner(s)*: An owner is any person, organization, corporation, or other entity having a recorded fee simple interest in a building or its underlying land. When the ownership of a building has been divided into condominiums, the condominium association shall be considered the sole owner, so long as the condominium association has the support of the majority of condominium unit owners. When a building is owned by a cooperative corporation, the corporation shall be considered the sole owner. When an owner has entered into a recorded land lease for a term exceeding 75 years, which lease entitles the lessee to construct, demolish, or alter buildings on the land, the lessee shall also be considered an owner.
- (21) *Staff*: The Historic Preservation Chief and any other personnel assigned to the County's Office of Historic Preservation.

(Ord. No. 81-13, § 4, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 5, 3-11-03; Ord. No. 16-124, § 1, 11-1-16; Ord. No. 16-125, § 2, 11-1-16)

Sec. 16A-5. - Historic Preservation Board—Created and established.

There is hereby created a Historic Preservation Board, ("the Board"), as a governmental agency of the County government in and for Miami-Dade County, Florida. The Board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological, paleontological and architectural resources in Miami-Dade County, Florida, as prescribed by this Chapter under the direct jurisdiction and legislative control of the Board of County Commissioners.

(Ord. No. 81-13, § 5, 2-17-81; Ord. No. 03-38, § 6, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

**Cross reference—** Standards for creation and review of boards, commissions, etc., §§ 2-11.36—2-11.40.

Sec. 16A-6. - Same—Members.

The Board shall consist of 13 members. Each County Commissioner shall appoint 1 member. County Commissioners shall appoint architects, realtors, archaeologists, historians, art historians, lawyers, developers, contractors, engineers, economists, or other individuals from the business, financial and other segments of the community who, by virtue of their profession, community involvement, or business, have demonstrated knowledge of or concern for historic preservation. The Board shall contain not less than one architect; one real estate professional or attorney at law; and one historian or architectural historian. The term of office of membership shall be 4 years for each member. Any vacancy occurring on the Board shall be filled by the appropriate County Commissioner for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment, but shall not serve more than 2 consecutive 4-year terms without a hiatus of at least 4 years, provided, however, that an appointment to fill an unexpired term shall not preclude that appointee from serving 2 consecutive 4-year terms thereafter. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the County Commission. All new members shall receive an orientation or training upon being appointed to the Board. Except as otherwise provided in this Section, Board members shall be governed by the provisions applicable to all County boards, as set forth in Chapter 2, Article IB of the Code. The members of the Board shall annually elect a Chair, who shall serve at the pleasure of the Board, and such other officers as may be deemed necessary or desirable. No Board member shall serve more than 2 consecutive terms as Chair.

(Ord. No. 81-13, § 6, 2-17-81; Ord. No. 03-38, § 7, 3-11-03; Ord. No. 16-124, § 2, 11-1-16; Ord. No. 16-125, § 2, 11-1-16; Ord. No. 19-48, § 3, 6-4-19)

Sec. 16A-7. - Same—Staff.

The County Mayor shall provide qualified professional staff for the Board, including but not limited to representatives from the Office of Historic Preservation which shall be deemed the staff of the Board. As used in this subsection, "qualified staff" means not less than 1 person who has a bachelor's degree in historic preservation, architecture, architectural history, history, or other closely related field, and who has at least 3 years of professional experience in the field of historic preservation or as a historic preservation planner; or who has a master's degree in the above mentioned fields and who has at least 1 year of professional experience in the field of historic preservation or as a historic preservation planner. The Office of Historic Preservation shall have a professional Historic Preservation Chief. The Historic Preservation Board shall be consulted regarding the selection of the Historic Preservation Chief. The Chair or Chair's designee shall serve on any board reviewing candidates for the position of Historic Preservation Chief.

(Ord. No. 81-13, § 7, 2-17-81; Ord. No. 03-38, § 8, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

**Editor's note—** Ord. No. 16-125, § 2, adopted Nov. 1, 2016, changed the title of § 16A-7 from Historic Preservation Board—Organization to Historic Preservation Board—Staff.

Sec. 16A-8. - Same—Rules and regulations.

- (1) The Board shall have the authority to make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this Chapter. Such rules and regulations shall conform to the provisions of this Chapter and shall not conflict with the Constitution and General Laws of the State of Florida, and shall govern and control procedures, hearings and actions of the Board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by the County Commission and filed with the Clerk of the Commission. Upon approval by the Commission, such rules and regulations shall have the force and effect of law within Miami-Dade County, Florida.
- (2) The Board shall prescribe forms for use by applicants in compliance with the provisions of this Chapter.
- (3) The Board may authorize any of its members to administer oaths and certify to official acts.
- (4) Minutes of each Board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the Clerk of the County Commission.

(Ord. No. 81-13, § 8, 2-17-81; Ord. No. 16-125, § 2, 11-1-16)

Sec. 16A-9. - Same—Powers and duties.

The Historic Preservation Board shall have the following enumerated powers and duties; provided, however, that nothing in this section shall be deemed to restrict the power of the Board to take action pursuant to its authority in furtherance of the policies of this Chapter:

- (1) Adopt or amend rules of procedure, in accordance with section 16A-8.
- (2) Designate individual sites, districts, and archaeological and paleontological zones.
- (3) Issue or deny certificates of appropriateness and certificates to dig.
- (4) Approve historical markers and issue certificates of recognition for individual sites and designated properties in a district.
- (5) Recommend zoning and building code amendments to the proper authorities.
- (6) Establish guidelines for preservation and criteria for issuance by staff of regular certificates of appropriateness.
- (7) Promote the awareness of historic preservation, including the preservation of architectural, archaeological, paleontological, and cultural resources, and its community benefits.
- (8) No actions of this Board will supersede or be construed as superseding the authority of the Board of County Commissioners.
- (9) Review and update the historic survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere.
- (10) Implement the authority of this Chapter and fulfill the tasks set forth for this Board by the County Commissioners in this Chapter and other ordinances.
- (11) Record and maintain records of the Board's actions and decisions.
- (12) Follow and abide by the laws of the United States of America, the State of Florida and Miami-Dade County.
- (13) Provide an annual report to the Board of County Commissioners.
- (14) Review and make recommendations to the Office of Historic Preservation regarding any grant proposals reviewed by the Office of Historic Preservation, including but not limited to Community Development Block Grants.
- (15) Review and approve for submittal to the State or National Register of Historic Places nominations for properties in the unincorporated area of the County or in municipalities that are not Certified Local Governments, as defined by state law.
- (16) Direct staff to, among other things: conduct research or other related action; to provide recommendations to the Board; or to conduct workshops or seminars.

(Ord. No. 81-13, § 9, 2-17-81; Ord. No. 03-38, § 9, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

**Annotation**—CAO 84-8.



Sec. 16A-10. - Designation process and procedure.

In deciding whether to exercise its discretion to designate a proposed individual site, district, or archaeological or paleontological zone, the Board shall consider the objective criteria set forth in subsection (1) below, as well as the factors and considerations required to be addressed in staff's designation report pursuant to subsection (3) below, along with the evidence and testimony presented at the public hearing and any other information the Board deems relevant to its determination.

- (1) *Criteria.* The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archaeological and paleontological sites, and other improvements or physical features, as individual sites, districts, or archaeological or paleontological zones that are significant in Miami-Dade County's history, architecture, paleontology, archaeology or culture. Sites, districts, or zones considered for designation shall possess an integrity of location, design, setting, materials, workmanship, or association, and shall:
  - (a) Be associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological, or architectural history that have contributed to the pattern of history in the community, Miami-Dade County, south Florida, the State or the nation; or
  - (b) Be associated with the lives of persons significant in our past; or
  - (c) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or possess high artistic value; or represent a distinguishable entity whose components may lack individual distinction; or
  - (d) Have yielded, or are likely to yield information in history or prehistory; or
  - (e) Be listed in the National Register of Historic Places.
- (2) *Properties not generally considered; exceptions.* Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature, and properties that have achieved significance within the last 50 years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of a district that does meet the criteria, or if they fall within the following categories:
  - (a) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
  - (b) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person.
  - (c)

A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.

- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
  - (e) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance.
  - (f) A property or district achieving significance within the past 50 years if it is of exceptional importance.
- (3) *Notification of Intent to Survey.* To determine whether individual sites, districts, or archaeological or paleontological zones are eligible for designation, it may be necessary for staff to survey areas of interest or previously un-surveyed neighborhoods. At least 7 days prior to the commencement of any new survey, notifications of the intent to survey shall be provided to the County Commissioner in whose Commission District the area for survey is found and, where the area is located within a municipality, to the municipality's mayor or town manager. Upon the completion of any survey, the results of the survey shall be provided to the aforementioned County Commissioner and, where applicable, municipal mayor or manager. In addition, if the survey finds individual sites, districts, or archaeological or paleontological zones that are eligible for designation, the relevant property owner(s) shall be notified and provided with the survey results before any designation proceedings are initiated. However, a comprehensive survey is not a prerequisite to commencing designation procedures for any individual sites, districts, or archaeological or paleontological zones.
- (4) *Designation.* Prior to the designation of an individual site, a district, or an archaeological zone, a designation report must be filed with the Board at a board meeting. The format of these reports may vary according to the type of designation; however, all reports must address the following: the historical, cultural, architectural, or archaeological or paleontological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological or paleontological zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this Chapter with respect to certificates of appropriateness and certificates to dig. Where a report is filed recommending designation of a district, the report must identify contributing and non-contributing sites or structures. All reports shall also address, to the extent applicable, the following: any projected, proposed, or existing public improvements and developmental or renewal plans; any private plans for development or redevelopment of the property or area under consideration, including any new architecture or features proposed for the same location; any applicable neighborhood or community revitalization goals, plans, or objectives, including any existing policies in the local government's comprehensive plan or other

planning initiatives pertaining to, among other things, economic development, transportation, and housing; any impacts on the availability of affordable or workforce housing in the community due to historic designation or proposed redevelopment of the property or area under consideration; and the possible adaptive use of the property after designation, based on applicable local government zoning regulations and other building code requirements.

(5) *Procedure.*

- (a) *Petition of the owner.* The owner(s) of any property in unincorporated Miami-Dade County, or in any municipality that is under Miami-Dade County historic preservation jurisdiction, may petition this Board for designation of their property as an individual site, district or archaeological or paleontological zone provided that they appear before the Board with sufficient information to warrant the investigation of the property for future designation and the Board finds that the property may be worthy of designation. The Board shall, based on its findings, either direct the staff to begin the designation process or deny the petition.
1. If the property that is the subject of a petition had been the subject of a prior designation proceeding and the Board at that time decided not to proceed with designation, no subsequent petition by the owner(s) shall be accepted unless authorized by a vote of two-thirds-plus-one of appointed members of the Board.
  2. For condominium or cooperative properties, the petitioning owner(s) shall provide a statement from the condominium or cooperative association or board as to the association or board's official position on the potential designation, if any.
  3. Nothing in this subsection shall be deemed to restrict the power of the Board to initiate the designation process pursuant to this section.
  4. Proceedings to consider a petition shall be quasi-judicial and shall be considered a part of the record of any subsequent designation process for the subject property. The decision of the Board to accept a petition and commence the designation process shall not be deemed a final order, and no appeal may be taken until the conclusion of the designation process set forth in this section. The decision of the Board to deny a petition shall not be appealable.
- (b) *Directive of the Board.* The Board shall, upon recommendations from staff, or the acceptance of petitions pursuant to, subsection (5)(a) above, or by its own authority, direct staff to begin the designation process by preparing a designation report, pursuant to part (4) of this section and any other standards the Board may deem necessary, and submitting this report according to the procedures described herein. In addition, staff

may, without prior directive from the Board, submit a staff-initiated designation report to the Board, and such staff-initiated report shall be deemed filed upon being published on a Board agenda.

1. If the subject property had been the subject of a prior designation proceeding and the Board at that time decided not to proceed with designation, the Board shall not direct staff to begin the designation process unless authorized by a vote of two-thirds-plus-one of appointed members of the Board.
  2. Nothing in this subsection (5)(b) shall be deemed to restrict the power of the Board to direct staff to conduct research and provide recommendations to the Board regarding potential designations.
  3. Proceedings under this subsection (5)(b) shall be quasi-judicial and shall be considered a part of the record of any subsequent designation process for the subject property. The decisions of the Board to direct staff to conduct research or make recommendations, to direct the commencement of the designation process, or to accept a staff-initiated designation report shall not be deemed final orders, and no appeal may be taken until the conclusion of the designation process set forth in this section. The decision of the Board to not undertake the designation process shall not be appealable.
- (c) *Commencement of designation process.* The filing of a designation report shall commence the designation process. A designation report shall be deemed filed when it is published on a Board agenda.
- (d) *Request for consent of owner.* For each proposed designation of an individual site, district or archaeological or paleontological zone, the Board and staff are encouraged to obtain the permission of the property owner(s) within the designated area prior to commencing the designation process, but consent shall not be required for designation.
- (e) *Notification of government agencies.* Upon filing of a designation report, staff shall immediately notify the appropriate building and zoning department, the appropriate public works department, the office of the County Commissioner in whose district the property lies, and any other County or municipal agency, including agencies with demolition powers, that may be affected by said filing.
- (f) *Notification and conduct of a public hearing.* For each individual site, district, or archaeological or paleontological zone proposed for designation, a public hearing must be held no sooner than 15 days and within 60 days from the date a designation report has been filed with the Board. Following the public hearing, the Board shall, by resolution, decide whether to approve, amend, or deny the proposed designation. All proceedings conducted under this subsection shall be quasi-judicial, and owners and other interested parties shall be given an opportunity to be heard regarding the proposed designation.

1. Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by U.S. mail to the last known address of the party being served at least 15 days prior to the public hearing; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least 10 days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.
  2. All notices shall include an internet address with a link to the designation report and an address where the physical designation report may be inspected and copied.
- (g) *Requirement of prompt decision and notification.* Within 7 days of a public hearing, staff shall prepare a written resolution showing the Board's decision or action and shall notify the following of its actions with a copy of the resolution:
1. The appropriate building and zoning departments,
  2. The County Clerk,
  3. The appropriate municipal mayor or manager and clerk when the property lies within a municipality,
  4. Owner(s) of the affected property and other parties having an interest in the property, if known,
  5. The appropriate planning department,
  6. The appropriate public works department,
  7. Any other County or municipal agency, including agencies with demolition powers, that may be affected by this action,
  8. Miami-Dade County Property Appraiser, and
  9. The County Commissioner in whose district the property is located.
- (h) *Amendment or rescission.* The Board may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.
- (i) *Moratorium.* Upon the filing of a designation report by the staff, the owner(s) of the real property which is the subject matter of the designation report and any other individual or private or public entity shall not:
1. Erect any structure on the subject property.
  2. Alter, restore, renovate, move or demolish any structure on the subject property until such time as final administrative action, as provided by this Chapter, is completed.
  3. Perform any ground-disturbing activities, including but not limited to new construction, filling, digging, or tree removal, that may alter or reveal an archaeological or paleontological site.

(j) *Recording of designation.* The Board shall provide the Clerk of the Circuit Court with all designations for the purpose of recording such designation by legal description and folio number, and the Clerk of the Circuit Court shall thereupon record the designation according to law.

(6) *Modifications to Designated Properties.* Historic designations shall not preclude property owners from requesting alterations, additions, redevelopment, or demolition of the property after designation, by requesting a Certificate of Appropriateness pursuant to the procedures set forth in section 16A-11 of this Chapter; however, interior spaces of a designated building or structure may be altered or modified without approval of the Historic Preservation Board or Chief, unless its interiors are specifically included in the designation.

(Ord. No. 81-13, § 10, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 88-28, § 2, 4-19-88; Ord. No. 03-38, § 10, 3-11-03; Ord. No. 16-124, § 3, 11-1-16; Ord. No. 16-125, § 2, 11-1-16)

Sec. 16A-11. - Application for certificate of appropriateness.

(1) *Certificate required as prerequisite to alteration, etc.* No building, structure, improvement, landscape feature, or archaeological or paleontological site within Miami-Dade County which is designated pursuant to section 16A-10 shall be erected, altered, restored, renovated, excavated, moved, or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features, or site improvements has been submitted to and approved pursuant to the procedures in this section. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design, the color of exterior paint surfaces, and general arrangement of the exterior of the building or structure, including the type, style, and color of roofs, windows, doors, and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to section 16A-10. Landscape features and site improvements shall include but are not limited to, site re-grading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs, and exterior lighting. No Certificate of Appropriateness shall be approved unless the architectural plans for said construction, rehabilitation, alteration, excavation, restoration, renovation, relocation, or demolition are reviewed and approved by the Staff or Board.

(2) *Historic Preservation Chief to develop procedures.* The Historic Preservation Chief shall develop procedures for making application for both a regular and special Certificate of Appropriateness.

(3) *Standards for issuance.* The Board may adopt and from time to time amend the standards by which applications for any Certificate of Appropriateness are to be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote preservation, maintenance, restoration, adaptive uses appropriate to the property, and compatible contemporary designs



which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites, and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular Certificates of Appropriateness.

(4) *Regular Certificates of Appropriateness.* Based on the guidelines for preservation, the designation report, a complete application for regular Certificate of Appropriateness, any additional plans, drawings, or photographs to fully describe the proposed alteration, and any other guidelines the Board may deem necessary, the Historic Preservation Chief or designee shall, within 10 days from the date a complete application has been filed, approve or deny the application for a regular Certificate of Appropriateness by the owner(s) of a designated individual site, or property within a designated district. The determination shall be mailed to the applicant within 3 days accompanied by a statement providing the reasons for the decision. The applicant shall have an opportunity to appeal the decision by applying for a special Certificate of Appropriateness within 30 days of the staffs determination.

(5) *Special Certificates of Appropriateness.*

- (a) An applicant for a special Certificate of Appropriateness shall submit an application to the Board on a form prescribed by the Historic Preservation Chief and accompany such application to the Board with full plans and specifications, site plan, and samples of materials as deemed appropriate by the Board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage, and exterior lighting. The applicant shall provide adequate information to enable the Board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application also involves a designated archaeological or paleontological site, the applicant shall also request a Certificate to Dig in accordance with the procedures set forth in section 16A-14 of this Chapter, which may be heard and decided concurrently with the Certificate of Appropriateness.
- (b) The Board shall hold a quasi-judicial public hearing upon an application for a special Certificate of Appropriateness. In such instances, notice and procedure of the public hearing shall be given to the property owner(s) by U.S. mail and to other interested parties by an advertisement in a newspaper of general circulation at least 10 days prior to the hearing.
- (c) The Board shall conduct the public hearing and, by resolution, act upon an application within 60 days of receipt of application materials adequately describing the proposed action. The Board shall approve, deny, or approve in modified form an application, subject to the acceptance of the modification by the applicant, or suspend action on the application for a period not to exceed 30 days unless more time is agreed to by the property owner(s) in order to obtain technical advice from outside its members or to allow the applicant to meet further with staff or revise or modify the application.

- (d) The decision of the Board shall be issued in writing. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the Board or the Board's designated staff representative to the applicant and, whatever its decision, notice in writing shall be given to the applicant and the Director of the Regulatory and Economic Resources Department or successor. When an application is denied, the Board's notice shall provide an adequate written explanation of its decision to disapprove the application. The Board shall keep a record of its actions under this Chapter.
- (e) Unless otherwise provided in the Certificate of Appropriateness, both regular and special Certificates of Appropriateness shall expire after 365 days. The Historic Preservation Chief or designee may grant extensions of time of up to an additional 180 days for restoration or rehabilitation work only upon satisfaction that the scope of the work originally approved has not changed and provided a written request is filed and work is commenced before expiration of the Certificate.

(6) *Demolition.*

- (a) Demolition of a designated building, structure, improvement, or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an approved application by the owner for a special Certificate of Appropriateness.
- (b) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts, and archaeological and paleontological zones pursuant to section 16A-10. The staff of such agencies shall consult with the staff of the Historic Preservation Board before entering a demolition order or placing such properties on an official agenda. Such unsafe structures agencies shall not enter a demolition order unless they first determine in writing that there exists no feasible alternative to demolition.
  - (i) The Historic Preservation Chief shall be deemed an interested party and shall receive ten days prior written notice of any public hearings conducted by said government agency regarding demolition of any designated property.
  - (ii) The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.
  - (iii) At the written request of the Historic Preservation Chief, such unsafe structure agencies shall continue any hearing on a property for not less than 30 days to allow consultation with the Miami-Dade County Historic Preservation Board.
  - (iv) If an unsafe structures agency subjects a designated property to an order providing for demolition, the order shall also, at the written request of the Historic Preservation Chief or the Historic Preservation Board, establish a grace period of no less than 120 days to obtain a permit to repair the property, followed by no less than 180 days to complete

such repairs. After entry of such a repair or demolish order, such unsafe structures agencies shall have the jurisdiction and authority to grant additional extensions of the grace period, provided the agency is satisfied that the repair will be completed in a reasonable time.

- (v) Nothing in this section shall prohibit an unsafe structures agency from entering an order requiring a designated property to be secured.
- (c) No permit for voluntary demolition of a designated building, structure, improvement, or site shall be issued to the owner(s) thereof until an application for a special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this section.
  - (i) Refusal by the Board to grant a special Certificate of Appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in part (6), subsection (d) herein.
  - (ii) The Board may grant a special Certificate of Appropriateness which may provide for a delayed effective date. The effective date shall be determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition.
  - (iii) During the demolition delay period, the Board or Historic Preservation Chief may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this Chapter. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving 1 or more structures or other features.
- (d) In addition to all other provisions of this Chapter, the Board shall consider the following criteria in evaluating applications for a special Certificate of Appropriateness for demolition of designated properties:
  - (i) Is the structure of such interest or quality that it would reasonably meet national, State, or local criteria for designation as a historic or architectural landmark?
  - (ii) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
  - (iii) Is the structure one of the last remaining examples of its kind in the neighborhood, the County, or the region?
  - (iv) Does the structure contribute significantly to the historic character of a designated district?
  - (v)

Would retention of the structure promote the general welfare of the County by providing an opportunity for study of local history, architecture, or design or by developing an understanding of the importance and value of a particular culture and heritage?

- (vi) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area, including any impacts on the availability of affordable or workforce housing in the community?
- (vii) *Permits.* No building permit shall be issued by the Department of Regulatory and Economic Resources or its successor department which affects any designated property in Miami-Dade County without a Certificate of Appropriateness.
- (viii) *Compliance of work with Certificate standards.* All work performed pursuant to the issuance of any Certificate of Appropriateness shall conform to the requirements of the Certificate. The County Mayor or designee shall designate an appropriate official to assist the Board and Historic Preservation Chief by making necessary inspections in connection with enforcement of this Chapter and shall be empowered to issue a stop work order if performance is not in accordance with the issued Certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports and any stop work orders shall be furnished to the Board and the applicant. The Regulatory and Economic Resources Director or successor or other appropriate official, and staff for the Board shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.
- (ix) *Emergency, temporary measures.* For the purpose of remedying emergency conditions determined to be dangerous to life, health, or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, or other repairs to a building or site in Miami-Dade County, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or other calamity shall be permitted to stabilize the building immediately without Board approval, and to rehabilitate it later under the normal review procedures to this Chapter.
- (x) *No action to constitute approval.* If no action upon an application is taken within 60 days from the date of application, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the Board.
- (xi) *Power of review.* The Board shall have the authority to review applications for Certificates of Appropriateness for all properties designated by Miami-Dade County, however owned, by either private or public parties. The purposes of this Chapter shall apply equally to

plans, projects, or work executed or assisted by any private party, governmental body or agency, department, authority, or Board of the city, County, or State.

(Ord. No. 81-13, § 11, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 98-125, § 10, 9-3-98; Ord. No. 03-38, § 11, 3-11-03; Ord. No. 16-125, § 2, 11-1-1)

Sec. 16A-12. - Undue Economic Hardship.

- (1) Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant property, strict enforcement of the provisions of section 16A-11, pertaining to Certificates of Appropriateness, or section 16A-14, pertaining to Certificates to Dig, would result in undue economic hardship to the applicant, the Board shall have the power to vary or modify adherence to this Chapter; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect Miami-Dade County.
- (2) For purposes of this section, "undue economic hardship" means that denial of the applicant's request would directly restrict or limit the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public.
- (3) Failure to submit a claim of undue economic hardship within the timeframe required by this section shall be construed as a waiver or forfeiture of any such claim as to the subject application and shall preclude a party from claiming economic hardship during any proceedings on that application.
- (4) In any instance where there is a claim of undue economic hardship, the owner shall submit, by affidavit, to the Board at least 15 days prior to the public hearing, the following information:
  - (a) For all claims involving applications for demolition:
    - (i) The amount paid for the property, the date of purchase and the party from whom purchased;
    - (ii) The assessed value of the land and improvements thereon according to the 2 most recent assessments;
    - (iii) Annual expenses on the property, including real estate taxes and insurance, for the previous 2 years;
    - (iv) Annual debt service, if any, for the previous 2 years;
    - (v) All appraisals obtained within the previous 2 years by the owner or applicant in connection with his purchase, financing or ownership of the property;

- (vi) Any listing of the property for sale or rent, price asked and offers received, if any;
  - (vii) Any consideration by the owner as to profitable adaptive uses for the property;
  - (viii) All cost estimates or reports relating to the demolition of the property obtained within the previous 2 years;
  - (ix) All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous 2 years;
  - (x) All reports relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the property obtained within the previous 2 years;
  - (xi) All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous 2 years, including market studies; and
  - (xii) A statement as to whether the property is the applicant's homestead, which may be demonstrated by presenting a current Homestead Tax Exemption issued pursuant to Chapter 196, Florida Statutes.
- (b) For all claims involving applications for rehabilitation, restoration, or repairs:
- (i) At least two cost estimates from a licensed contractor or professional company for the work which is the basis of the claim;
  - (ii) At least two cost estimates for the materials or alternatives preferred by applicant;
  - (iii) If applicable, a statement from the insurance company as to what costs would be covered;
  - (iv) A statement providing annual income and expenses for the preceding year, including insurance and property taxes.
- (c) For income-producing properties, applications shall also include the following information:
- (i) Annual gross income from the property for the previous 2 years;
  - (ii) Itemized operating and maintenance expenses for the previous 2 years; and
  - (iii) Annual cash flow, if any, for the previous 2 years.
- (5) The Board may require that an applicant furnish such additional information as the Board believes is relevant to its determination of undue economic hardship. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the board or preservation officer. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.
- (6) In addition to all other provisions of this Chapter, the Board shall consider the following in evaluating economic hardship claims:
- (a) Whether a reasonable effort has been made to market or sell the property;

- (b) Whether estimates that have been given for rehabilitation or restoration are substantiated by qualified professionals, and whether more than one has been provided;
- (c) Whether the building passed its 40-year recertification or any structural investigations have been performed in the last five years on the property;
- (d) Whether any legally binding contracts are pending on the subject property;
- (e) Whether the cost of renovation, rehabilitation or preservation will be greater than the assessed value of the property;
- (f) Whether records have been provided of any maintenance or repairs performed, or lack thereof, which would indicate that there has been deferred maintenance on the property; and
- (g) Whether, for condominium or cooperative ownership properties, monthly maintenance fees have been collected, and whether any special assessments have been approved in the last five years for particular projects.

(Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 12, 3-11-03; Ord. No. 16-125, § 1, 11-1-16)

**Editor's note—** Ord. No. 16-125, § 2, adopted Nov. 1, 2016, changed the title of § 16A-12 from Economic Hardship to Undue Economic Hardship.

#### Sec. 16A-13. - Maintenance of designated properties.

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

(Ord. No. 81-13, § 12, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 16-125, § 2, 11-1-16)

#### Sec. 16A-13.1. - Demolition By Neglect Prohibited.

*Affirmative Maintenance Required.* The owner of a property designated pursuant to this Chapter, either individually or as a contributing part of a district, shall comply with all applicable codes, laws, and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of such properties and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the property. All such properties shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

- (a) Facades which may fall and injure the subject property, adjoining property, or members of the public.
- (b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

- (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
- (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- (e) Any fault or defect in the property which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.
- (f) Deteriorated architectural or landscape features relevant to the historic integrity of the structure or site, including but not limited to: porches and porch supports, railings, lighting, eave and roof brackets, cornices, columns, stairways, siding, and other decorative or structural elements.

(Ord. No. 03-38, § 13, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

Sec. 16A-14. - Certificates to dig.

- (1) Within an archaeological or paleontological site or zone, new construction, filling, digging, the removal of trees, or any other ground-disturbing activity that may alter or reveal an interred archaeological or paleontological site shall be prohibited without a Certificate to Dig. All permit applications to all appropriate municipal or County agencies involving new construction, large-scale digging, the removal of trees, or any other activity that may reveal or disturb an interred archaeological or paleontological site, in an archaeological or paleontological zone shall require a Certificate to Dig before approval.
  - (a) Based on the designation report for the archaeological or paleontological site or zone, a complete application for a Certificate to Dig, and any additional guidelines the Board may deem necessary, the Historic Preservation Chief or designee shall, within 10 days from the date the completed application has been filed, approve or deny the application for a Certificate to Dig. The Certificate to Dig may be made subject to specified conditions, including but not limited to conditions regarding site excavation.
  - (b) In order to comply with the site excavation requirements of the Certificate to Dig, the applicant may agree to permit the County Archaeologist to conduct excavation from the time of the approval of the Certificate to Dig until the effective date thereof.
  - (c) The determination shall be mailed to the applicant within 3 days accompanied by a statement in full regarding the reasons for the decision. The applicant shall have the opportunity to appeal the decision or any conditions attached to the Certificate to Dig by applying for a special Certificate to Dig within 30 days of the staffs determination.
- (2) *Additional conditions.* To protect a designated archaeological or paleontological site, district, or zone, the Historic Preservation Chief may require additional conditions when approving Certificates to Dig, including but not limited to:



- (a) an archaeological survey at the applicant's expense, conducted by an archaeologist approved by the Historic Preservation Chief, which includes an assessment of the significance of the archaeological site and an analysis of the impact of the proposed activity on the archaeological site;
  - (b) scientific excavation and evaluation of the site at the applicant's expense by an archaeologist approved by the Historic Preservation Chief;
  - (c) mitigation measures;
  - (d) protection or preservation of all or part of the archaeological site for green space;
  - (e) a requirement to include a buffer between the site and proposed development activities.
- (3) *Approved Certificates to Dig.* Approved Certificates to Dig shall contain an effective date not to exceed 60 days, at which time the proposed activity may begin. The Certificate to Dig is valid for a period of 180 days after the date of its approval. After the expiration date, the Historic Preservation Chief or designee may approve an additional 60-day period within which to complete work in progress, if the owner/petitioner can show cause why the work was not yet completed. After this time period, an application for a new Certificate to Dig shall be required.
- (4) *Special Certificate to Dig.* An applicant for a Special Certificate to Dig shall follow the process for Special Certificates of Appropriateness set forth in section 16A-11(5) of this Chapter.
- (5) *Work to conform to Certificate; stop work order.* All work performed pursuant to the issuance of a Certificate to Dig shall conform to the requirements of such Certificate. It shall be the duty of the appropriate government agencies and the staff of the Board to inspect from time to time any work pursuant to such Certificate to assure compliance. In the event work is performed not in accordance with such Certificate, the official designated by the County Mayor pursuant to section 16A-11 shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

(Ord. No. 81-13, § 13, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 14, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

#### Sec. 16A-15. - Appeals.

- (1) *Procedure for Appeal to County Commission.* Any party aggrieved by a final quasi-judicial decision of the Historic Preservation Board may appeal that decision to the Board of County Commissioners. Appeals to the Board of County Commissioners shall adhere to the following procedure:
- (a) *Appeal by Aggrieved Party.* Within 30 days of the public hearing at which the Historic Preservation Board takes final action as to an individual site, property district, or archaeological or paleontological zone, an aggrieved party may appeal the decision to the

Board of County Commissioners by filing, with the Office of Historic Preservation, a notice of appeal on a form prescribed by the Historic Preservation Chief. The form shall provide for a brief written statement specifying, in concise language, the grounds for appeal and the reasons that the Board of County Commissioners should reverse the decision of the Historic Preservation Board. No attachments or additional written statements, outside of the space provided on the form, shall be accepted. Upon the timely filing of a notice of appeal, the Historic Preservation Chief shall transmit the notice to the Clerk of the Board, along with the record on appeal.

- (b) *Appeal by Historic Preservation Chief.* If the decision of the Historic Preservation Board has not been appealed to the County Commission by an aggrieved party within the 30-day period specified in subsection (1)(a) above, the Historic Preservation Chief may, in his or her discretion, appeal such decision within 5 additional days in the manner aforesated.
- (2) *Stay Pending Appeal.* Upon the filing of an appeal to the County Commission, all Historic Preservation Board orders and conditions of approvals pertaining to the property or district in question shall be stayed until final action has been taken on the appeal by the Board of County Commissioners. Any moratorium on the individual site, property, district, or archaeological or paleontological zone shall remain in effect during the appeal period.
- (3) *Fees for Appeal to County Commission.* The appealing party shall be required to pay to the Clerk of the Board a fee for processing the appeal and to defray the costs associated with preparing the record on appeal. In addition, the appealing party shall pay the cost of preparing any transcripts of the proceedings below. The amount of the appeal fee, excluding transcription costs, shall be prescribed by Implementing Order approved by the Board of County Commissioners. There shall be no refunds, even where an appeal is subsequently withdrawn. The fees and costs specified herein shall not apply to an appeal initiated by the Historic Preservation Chief.
- (4) *Record on Appeal.* The record on appeal shall consist of the Historic Preservation Board's resolution as to the property or district in question, the Historic Preservation Chiefs recommendation to the Historic Preservation Board, all documents and materials made part of the file and record before the Historic Preservation Board, and all minutes and transcripts, if any, of the proceedings below. The Historic Preservation Chief may also, in his or her discretion, include in the record a recommendation to the Board of County Commissioners regarding whether the appeal should be approved or denied. Except as provided herein, documents or materials not made part of the file and record before the Historic Preservation Board shall not be distributed to the County Commissioners prior to the public hearing on the appeal; such materials may be presented to the Board of County Commissioners at the time of the public hearing.

(5)

*Scheduling the Appeal for Public Hearing.* Within 60 days of the date on which the notice of appeal and record are transmitted to the Clerk of the Board, the appeal shall be placed on an agenda of the County Commission. The Clerk of the Board shall be responsible for placing the appeal on an agenda of the County Commission and for all matters related to scheduling of the public hearing.

- (6) *Notice to Affected Parties.* At least 20 days prior to the date of the public hearing, the Office of Historic Preservation shall provide written notification by U.S. mail to all affected parties of the date of the public hearing on the appeal. Where the property or district in question lies within a municipality, the Office of Historic Preservation shall additionally provide written notice of the appeal to the municipality's mayor or manager and to its attorney. At least 10 days prior to the date of the public hearing, the Clerk of the Board shall provide notice by advertisement, in a newspaper of general circulation, of the date of the public hearing before the County Commission.
- (7) *Decision by the Board of County Commissioners.* The Board of County Commissioners shall conduct a quasi-judicial public hearing on the appeal, and the County Commission's review shall be *de novo*. At the conclusion of the public hearing, the Board of County Commissioners shall approve or deny the appeal and may affirm, modify, or reverse the decision of the Historic Preservation Board below. The decision of the County Commission shall be by majority vote of members present and shall be set forth in a written resolution, a copy of which shall be forwarded to the Historic Preservation Board, the property owner, and, if applicable, the appellant.
- (8) *Exhaustion of remedies.* No person aggrieved by any decision or determination of an administrative official or by any decision of the Historic Preservation Board may apply to any court for relief unless such person has first exhausted the remedies provided for in this Chapter and taken all available steps provided in subsections (1) through (8) above. Furthermore, no application shall be made to any court for relief except from a resolution adopted by the Board of County Commissioners.
- (9) *Judicial Review.* Once the Board of County Commissioners has rendered a decision on the appeal, an aggrieved party may appeal that decision to a state court of competent jurisdiction, in accordance with the Florida Rules of Appellate Procedure governing the review of quasi-judicial rulings of a local government commission or board. Such time for appeal shall commence to run from the date the resolution sought to be reviewed is rendered by the Clerk of the Board. The appealing party shall be required to pay to the Clerk of the Board a fee to defray the costs associated with processing the appeal, the amount of which shall be prescribed by Implementing Order, as may be amended from time to time, as approved by the Board of County Commissioners. Such fee shall be in addition to any costs or fees that the appealing party may be

required to pay to the Clerk of the Court, pursuant to applicable court rules and procedures. Any moratorium on the property or district shall remain in effect during the pendency of all appeals in court. (Ord. No. 81-13, § 14, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 16-125, § 2, 11-1-16)

Sec. 16A-16. - Penalties and Enforcement.

- (1) Failure by an owner of record or any individual or private or public entity to comply with any provisions of this Chapter shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine of not more than \$500.00 per day for each day the violation continues and including a requirement that any work performed contrary to this Chapter must be removed and the property returned to its condition prior to commencement of said action. Each day that a corrective action is not taken shall constitute a separate violation.
- (2) *Notice and Administrative Enforcement.* When a Miami-Dade County Code Enforcement Officer, the Historic Preservation Chief, or equivalent official learns of a violation of this Chapter, he or she may institute enforcement proceedings in accordance with Chapter 8CC of this Code. The Historic Preservation Chief has authority to settle any civil violation notices issued to enforce this Chapter. In making such a decision, the Historic Preservation Chief shall consider the likelihood of prevailing and whether compliance was obtained.
- (3) *Action for Injunction and Remedial Relief; Lien on Property.* If the Property Owner fails to take corrective action within the time prescribed pursuant to Chapter 8CC of this Code, the County may file an action seeking: an injunction ordering the property owner to take corrective action; an order authorizing the County to enter onto the property to make the corrective actions; and civil penalties. Such civil action may be initiated in the name of the County at the discretion of the Historic Preservation Chief upon an affirmative vote of a majority of the Historic Preservation Board. Nothing herein shall prevent the Board of County Commissioners from initiating or assuming direction of the lawsuit, at its discretion. In the event that the Court authorizes the County to enter onto the property to take the required corrective action, the Historic Preservation Chief may also seek an order providing that the cost of the corrective action shall constitute a lien against the property, accruing interest at the statutory rate for judgments until satisfied.
- (4) *Consent Agreements.* The Historic Preservation Chief, may, in the Chiefs discretion, terminate an investigation or an action commenced under the provisions of this Chapter upon execution of a written consent agreement between the Historic Preservation Chief, and the persons who are the subjects of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this Chapter by said persons. The consent agreement may in addition provide for the following: Mitigation of injuries accruing on account of the violation investigated or sued upon; compensatory damages; punitive damages; civil penalties; costs and expenses of enforcement; attorneys' fees; and remedial or corrective action. Except as expressly and specifically provided in the executed written consent agreement,

an executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation or action by the Historic Preservation Chief or the County in enforcing any of the provisions of this Chapter, nor shall the agreement constitute a waiver of or limitation upon the enforcement of any federal, State, or local law or ordinance. Each violation of any of the terms of an executed written consent agreement shall constitute a separate violation under this chapter by the persons who executed the agreement and by their respective officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, and by any persons in active concert or participation with any of the foregoing persons and who have received actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter.

(Ord. No. 81-13, § 15, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 88-28, § 3, 4-19-88; Ord. No. 16-125, § 2, 11-1-16)

**Editor's note—** Ord. No. 16-125, § 2, adopted Nov. 1, 2016, changed the title of § 16A-16 from Penalties to Penalties and Enforcement.

#### Sec. 16A-17. - Incentives.

In addition to the tax incentives provided for in section 16A-18 below, it is the policy of Miami-Dade County to assist owners of historic properties in identifying various incentives that may benefit historically designated properties throughout the County. Such incentives may include, for example, matching or non-matching grants from governmental and non-profit entities, waivers and exemptions to applicable regulations where allowed by law, historic preservation easements, and historic plaque and marker programs. All properties designated as individual sites, archaeological or paleontological zones, or designated properties within a district shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by the County, contingent on the availability of funds and the scope of the project as described in the application.

(Ord. No. 81-13, § 16, 2-17-81; Ord. No. 82-99, § 1, 10-19-82; Ord. No. 03-38, § 15, 3-11-03; Ord. No. 16-125, § 2, 11-1-16)

#### Sec. 16A-18. - Tax exemptions for renovations for historic properties.

(1) *Tax exemptions for historic properties used for certain commercial or non-profit purposes.*

(a) Pursuant to Section 196.1961, Florida Statutes, Miami-Dade County hereby elects to provide for an ad valorem tax exemption of 25 percent of the assessed value for any property, located in the unincorporated area of the County or in a municipality over which the County exercises historic preservation jurisdiction, that meets the following statutory criteria:

(i) The property must be used for commercial or non-profit purposes;

- (ii) The property must be historically designated at the local level, a contributing property to a locally-designated historic district, listed in the National Register of Historic Places, or a contributing property to a National Register Historic District; and
- (iii) The property must be "regularly open to the public," as defined by law.

To retain this ad valorem tax exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property. Where a qualifying property is located in the unincorporated area, the exemption shall apply to the countywide operating and unincorporated municipal service area (UMSA) taxes levied by the County. Where a qualifying property is located within a municipality over which the County exercises historic preservation jurisdiction, the exemption shall only apply to countywide operating taxes levied by the County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution.

- (b) Any person or entity claiming the ad valorem tax exemption provided under subsection (1)(a) above shall file an application for exemption with the Miami-Dade County Property Appraiser, describing the property for which exemption is claimed and certifying its ownership and use. The Property Appraiser shall process the application and grant the exemption if the property meets the conditions and requirements specified in Section 196.1961, Florida Statutes, as may be amended from time to time. The property shall remain eligible for the exemption for as long as the property remains in compliance with the conditions and requirements specified in the Florida Statutes, as may be amended from time to time.

(2) *Tax exemptions for renovations of historic properties.*

- (a) *Scope of tax exemptions.* A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties as provided for in Section 196.1997, Florida Statutes, as may be amended from time to time. In addition, a method is hereby created for the Board of County Commissioners, at its discretion, to allow an additional tax exemption for the restoration, renovation, or rehabilitation of historic properties, as provided for in Section 196.1998, Florida Statutes, as may be amended from time to time. For an exemption under section 196.1997, the exemption shall apply to 100 percent of the assessed value of the improvements made to historic properties which result from restoration, renovation, or rehabilitation. For an exemption under section 196.1998, the exemption shall apply to 25 percent of the assessed value of the property, as improved. The exemption applies only to countywide operating taxes levied by the County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to

section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property. The exemption under this chapter does not apply to properties within a community redevelopment area previously or hereafter established pursuant to Part III of Chapter 163, Florida Statutes, by either the Board of County Commissioners of Miami-Dade County or the governing body of any city or other municipality within Miami-Dade County.

(b) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for 10 years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption. The duration of the exemption as established in the resolution granting the exemption shall continue regardless of any change in the authority of the County to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the exemption was granted.

(c) *Eligible properties and improvements.*

- (i) Property is qualified for an exemption pursuant to Section 196.1997, Florida Statutes, if it meets the following statutory criteria, as may be amended from time to time:
  - 1. At the time the exemption is granted the property:
    - a. Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
    - b. Is a contributing property to a national-register-listed district; or
    - c. Is designated as a historic property, or as a contributing property to a historic district, under the terms of a local preservation ordinance; and
  - 2. The Miami-Dade County Historic Preservation Board has certified to the Board of County Commissioners that the property for which an exemption is requested satisfies paragraph (i).
- (ii) In order for an improvement to a historic property to qualify the property for an exemption pursuant to Section 196.1997, Florida Statutes, the improvement must:
  - 1. Be consistent with the United States Secretary of Interior's Standards for the Treatment of Historic Properties, as may be amended from time to time; and
  - 2. Be determined by the Miami-Dade County Historic Preservation Board to meet criteria established in rules adopted by the Department of State.
- (iii) Property is qualified for an exemption pursuant to Section 196.1998, Florida Statutes, if it meets the following statutory criteria, as may be amended from time to time:

1. The property qualifies for an exemption under Section 196.1997, Florida Statutes;
  2. The property is used for non-profit or governmental purposes;
  3. The property is regularly and frequently open for the public's visitation, use, and benefit; and
  4. The property meets all criteria pertaining to this exemption set forth in rules adopted by the Department of State, as may be amended from time to time.
- (iv) In order for an improvement to a historic property to qualify the property for an exemption pursuant to Section 196.1998, Florida Statutes, the improvement must:
1. Have an assessed value that is equal to at least 50 percent of the total assessed value of the property as improved;
  2. Be made by, or for the use of, the existing owner; and
  3. Be made on or after the day the adoption of Ordinance No. 16-125 authorizing this exemption.
- (d) *Applications.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, prior to construction, file with the Office of Historic Preservation a written application on an approved form. The application must include the following information:
- (i) The name of the property owner and the location of the historic property;
  - (ii) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;
  - (iii) Proof, to the satisfaction of the Miami-Dade County Historic Preservation Board, that the property this is to be rehabilitated or renovated is a historic property under this section;
  - (iv) Proof, to the satisfaction of the Miami-Dade County Historic Preservation Board, that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for the Treatment of Historic Properties, as may be amended from time to time, and will be made in accordance with guidelines developed by the Department of State;
  - (v) Other information identified in appropriate Department of State regulations, or requested by the Miami-Dade County Historic Preservation Board; and
  - (vi) If the property is within the jurisdiction of the Miami-Dade County Historic Preservation Board, a completed application for a Certificate of Appropriateness for the qualifying restoration, renovation, or rehabilitation.
- (e) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the Board of County Commissioners for the term for which the exemption is granted. The form of the covenant or agreement must be established by the



Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in Section 212.12(3), Florida Statutes. The Office of Historic Preservation shall provide the covenant to the Clerk of the Courts for the purpose of recording, and a copy of the recorded covenant shall be given to the property owner.

- (f) *Review By Historic Preservation Board.* The Miami-Dade County Historic Preservation Board, or its successor, is designated to review applications for exemptions. The Miami-Dade County Historic Preservation Board must recommend that the Board of County Commissioners grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Department of State. The recommendation, and the reasons therefor, must be provided to the applicant and to the Board of County Commissioners before consideration of the application at an official meeting of the Board of County Commissioners.
- (g) *Approval By Board of County Commissioners.* A majority vote of the Board of County Commissioners shall be required to approve a written application for exemption. Such exemption shall take effect as provided in the resolution. The Board of County Commissioners shall include the following in the resolution approving the written application for exemption:
  - (i) The name of the owner and the address of the historic property for which the exemption is granted.
  - (ii) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
  - (iii) A finding that the historic property meets the requirements of this section.

(Ord. No. 93-15, § 1, 3-2-93; Ord. No. 99-90, § 2, 7-27-99; Ord. No. 03-38, § 16, 3-11-03; Ord. No. 16-124, § 4, 11-1-16; Ord. No. 16-125, § 2, 11-1-16)

Sec. 16A-19. - Classification and assessment of historic property used for commercial or certain nonprofit purposes.

Miami-Dade County hereby elects to adopt the classification and assessment method provided in Section 193.503, Florida Statutes (1997). Accordingly, subject to the definitions, conditions, and procedures established by that section, historic property qualifying under that section shall be assessed based upon actual use. Any such classification shall terminate upon repeal of Section 193.503 Florida Statutes or the repeal or sunset of this provision.

(Ord. No. 99-90, § 1, 7-27-99; Ord. No. 16-125, § 2, 11-1-16)

Sec. 16A-20. - Reserved.

**Editor's note—** Ord. No. 16-125, § 2, adopted Nov. 1, 2016, repealed § 16A-20, which pertained to Settlement Authority and derived from Ord. No. 03-38, § 17, adopted March 11, 2003.

## Historic Preservation Board Procedures

Per Miami-Dade County Code Sec. 16A-8, the Historic Preservation Board (HPB) may, in addition to the Secretary of the Interior's Standards, establish additional standards to aid in regulating historic preservation in the county. The Board of County Commissioners adopted Resolution No. 115-22 on February 1, 2022, establishing Resilient Rehab: A Guide for Historic Buildings in Miami-Dade County as the County's historic preservation guidelines.

Attached hereto is the Mayor's memo and BCC adopted resolution R-115-22.

The full document has not been attached here as it totals 285 pages. The full document is readily available for viewing and download on the Office of Historic Preservation website:

[Resilient Rehab: A Guide for Historic Buildings in Miami-Dade County](#)



## MEMORANDUM

Agenda Item No. 8(L)(1)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** February 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution approving and  
adopting rules and regulations for  
the Miami-Dade County Historic  
Preservation Board; approving  
and adopting "Resilient Rehab: A  
Guide for Historic Buildings in  
Miami-Dade County" as the  
Historic Preservation Board's  
official design review guidelines

Resolution No. R-115-22

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

# Memorandum



**Date:** February 1, 2022

**To:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

**Subject:** Adoption of "Resilient Rehab: A Guide for Historic Buildings in Miami-Dade County" as the Official Design Review Guidelines and Rules and Regulations for the Miami-Dade County Historic Preservation Board

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the adoption of "Resilient Rehab: A Guide for Historic Buildings in Miami-Dade County" (Exhibit 1 hereto) as the official design review guidelines for the Miami-Dade County Historic Preservation Board.

## **Scope**

The impact of this item is countywide.

## **Delegation of Authority**

Upon the approval of this resolution, the County Mayor or County Mayor's designee will be authorized to: (1) file the approved rules and regulations with the Clerk of the Commission and (2) to exercise the provisions contained therein.

## **Fiscal Impact/Funding Source**

Implementation of these new guidelines will have no fiscal impact to the County.

## **Track Record/Monitor**

The Assistant Director of Planning in the Department of Regulatory and Economic Resources, Jerry H. Bell, will be responsible for implementation. County Historic Preservation staff will ensure accessibility of the document and will assist owners of historic buildings in accessing and interpreting the guidelines provided in the document.

## **Background**

Section 16A-8(1) of the Code of Miami-Dade County (Code) provides the Historic Preservation Board with the authority to make and prescribe rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of chapter 16A. Section 16A-8(1) further requires the Historic Preservation Board to hold a public hearing to consider any such proposed rules and regulations. In addition, following the public hearing, the Code requires such rules and regulations to be approved by the Board of County Commissioners and then filed with the Clerk of the Board.

On September 15, 2021, the Miami-Dade County Historic Preservation Board, pursuant to Resolution No. 2021-22 (Exhibit 2 hereto), held a public hearing and approved the adoption of "Resilient Rehab: A Guide for Historic Buildings in Miami-Dade County" as the governing rules and regulations pursuant to the procedures set forth in section 16A-8(1).


These design guidelines will supersede and replace the rules and regulations previously approved and adopted by the Board of County Commissioners on September 1, 1981, pursuant to Resolution No. R-1278-81 (Exhibit 3 hereto). The existing rules and regulations, which have been in effect for

40 years, are outdated and were written at a time when the County’s Historic Preservation Ordinance was less detailed. Much of what is contained in the existing rules and regulations is better addressed by Code provisions that were either created or amended after the adoption of the rules and regulations. Because the existing rules and regulations are outdated, they are no longer needed or useful.

These design guidelines largely build upon and expand on “Resourceful Rehab: A Guide to Historic Buildings in Dade County,” a publication completed in 1987 but was never officially adopted pursuant to the authority provided in Chapter 16A. These new design guidelines expand upon those previous guidelines, while formalizing current practices and policies of the Office of Historic Preservation staff and the Miami-Dade County Historic Preservation Board and integrating much-needed resiliency strategies.

Throughout the course of the project, stakeholders such as Dade Heritage Trust and historic property owners were made aware of the project and forthcoming guidelines. The final document has been publicly available via the Office of Historic Preservation website since July 2021. Planning staff for the 24 municipalities under the jurisdiction of the Miami-Dade County Office of Historic Preservation have been notified of the guidelines and provided with guidance on how to access and use the document.

The new rules and regulations proposed for approval and adoption provide useful contemporary design review guidelines and incorporate consideration of current challenges faced by historic property owners in Miami-Dade County. Adoption of these new guidelines will greatly aid property owners, residents, architects, County staff, and the Historic Preservation Board in the effective implementation of the County’s historic preservation standards set forth in chapter 16A of the County Code.

  
\_\_\_\_\_  
Jimmy Morales  
Chief Operations Officer

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(L)(1)  
2-1-22

RESOLUTION NO. \_\_\_\_\_ R-115-22

RESOLUTION APPROVING AND ADOPTING RULES AND REGULATIONS FOR THE MIAMI-DADE COUNTY HISTORIC PRESERVATION BOARD; APPROVING AND ADOPTING “RESILIENT REHAB: A GUIDE FOR HISTORIC BUILDINGS IN MIAMI-DADE COUNTY” AS THE HISTORIC PRESERVATION BOARD’S OFFICIAL DESIGN REVIEW GUIDELINES

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** The foregoing recitals are approved and incorporated in this resolution.

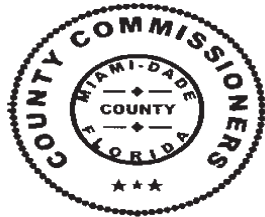
**Section 2.** This Board hereby approves and adopts “Resilient Rehab: A Guide for Historic Buildings in Miami-Dade County” as the Historic Preservation Board’s official design review guidelines and rules and regulations.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	<b>aye</b>		
Oliver G. Gilbert, III, Vice-Chairman	<b>aye</b>		
Sen. René García	<b>aye</b>	Keon Hardemon	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Danielle Cohen Higgins	<b>aye</b>
Eileen Higgins	<b>aye</b>	Joe A. Martinez	<b>aye</b>
Kionne L. McGhee	<b>aye</b>	Jean Monestime	<b>aye</b>
Raquel A. Regalado	<b>absent</b>	Rebeca Sosa	<b>absent</b>
Sen. Javier D. Souto	<b>absent</b>		



The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> day of February, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

**Melissa Adames**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to read "James", is written over a horizontal line.

James Eddie Kirtley




**Regulatory and Economic Resources Department**
**Office of Historic Preservation**

111 NW 1<sup>st</sup> Street, Mailbox 114 • 12<sup>th</sup> Floor  
Miami, Florida 33128  
T 305-375-4958

**MIAMI-DADE COUNTY  
HISTORIC PRESERVATION BOARD**

**MINUTES**

Wednesday, July 24, 2024  
2:00 p.m.

**Location:**

Miami-Dade Public Library System  
Main Library  
101 West Flagler Street  
Arva Parks McCabe Auditorium  
Miami, FL 33130

The meeting of the Historic Preservation Board (“HPB”), on Wednesday, July 24, 2024, at 2:00 p.m., was held in-person. For additional informational visit:

<http://www.miamidade.gov/planning/boards-historic-preservation.asp>

**I. ROLL CALL**

The meeting was called to order by **Chair Jared Beck** at 2:01 p.m.

**Board Members**

Jared Beck, Chair	Present
Dr. Paul George	Absent (excused)
Scott Janowitz	Present
Alyssa Kriplen	Absent (excused)
Javier Morejon	Absent (excused)
Bob Ross, Vice Chair	Present
Cecilia Stewart	Present

**Staff Members Present**

Sarah Cody, HP Chief  
Tamara McDonald, HP Specialist  
Corion DeLaine, Principal Planner  
Jeff Ransom, County Archaeologist  
Abby Diaz, Clerk

**Assistant County Attorneys**

Eddie Kirtley  
Luis Reyes

**II. APPROVAL OF MINUTES**

**Jared Beck, Chair**, asked members to review the minutes of the June 26, 2024 Board Meeting for approval.

**Scott Janowitz** moved to approve the minutes of the June 26, 2024 meeting. **Cecilia Stewart** seconded the motion. The motion was approved by group vote.

Jared Beck, Chair	Yes
Dr. Paul George	Absent
Scott Janowitz	Yes
Alyssa Kriplen	Absent
Javier Morejon	Absent
Bob Ross, V Chair	Yes

Cecilia Stewart                      Yes

**III.      SWEARING IN OF THE PUBLIC**

There were no members of the public to be sworn in.

**IV.      PUBLIC COMMENT**

There were no members of the public seeking to make public comments.

**V.       PUBLIC HEARING**

There were no scheduled public hearing items.

**VI.      NEW BUSINESS**

**NB1.      Sunset Review Report**

Sarah Cody, HP Chief, indicated that as per Miami-Dade County Code, all County boards created by the Board of County Commissioners through ordinance or resolution are subject to a sunset review process on a biennial schedule. The last Sunset Review of the Historic Preservation Board was accepted by the Board of County Commissioners in 2019. She presented the current Sunset Review Report, which covers years 2019, 2020, 2021, and 2022. She further indicated that 2023 and 2024 are part of the current reporting period and would be reflected in the next regularly scheduled sunset review.

She recommended approval of the Historic Preservation Board Sunset Review, with a recommendation for the continuation of the Miami-Dade County Historic Preservation Board.

**Bob Ross** moved to approve the Historic Preservation Board Sunset Review, with a recommendation for the continuation of the Miami-Dade County Historic Preservation Board. **Scott Janowitz** seconded the motion. The motion was approved by group vote.

Jared Beck, Chair	Yes
Dr. Paul George	Absent
Scott Janowitz	Yes
Alyssa Kriplen	Absent
Javier Morejon	Absent
Bob Ross, V Chair	Yes
Cecilia Stewart	Yes

**NB2.      Chair's Report**

**Jared Beck, Chair**, spoke of the high level of work the preservation staff undertakes and the quality of the work and indicated that he would like to know if the Board members can do more to support the work of the staff.

**NB3.      Chief's Report**

**Sarah Cody, HP Chief**, presented the Board with a resolution honoring Dr. Enid Pinkney for her dedicated service to the Miami-Dade County Historic Preservation Board and her community. Dr. Pinkney was a longtime preservation advocate and directly contributed to the preservation of numerous historic sites in the County, most notably the Miami Circle, the Hampton House, and the Lemon City Cemetery. Dr. Pinkney passed away on July 18, 2024 at the age of 92.

**Cecilia Stewart** moved to adopt the resolution honoring Dr. Pinkney. **Bob Ross** seconded the motion. The motion was approved by group vote.

Jared Beck, Chair	Yes
Dr. Paul George	Absent
Scott Janowitz	Yes
Alyssa Kriplen	Absent
Javier Morejon	Absent
Bob Ross, V Chair	Yes
Cecilia Stewart	Yes

**NB4. Attorney’s Report**

**Eddie Kirtley, Assistant County Attorney**, had nothing to report

**NB5. Board Member Reports**

Nothing to report.

**VII. ADJOURNMENT**

With no further business to be heard before the Board, **Jared Beck, Chair**, adjourned the meeting at 2:13 p.m.

## Historic Preservation Board Accomplishments 2019-2022

### Historic Site Designation

**Dade County Courthouse Interior**  
**73 W. Flagler St**  
**Miami, FL**

Designed by noted architect A. Ten Eyck Brown and associate architect August Geiger, the Dade County Courthouse was originally constructed from 1925-1928. Long recognized for its architectural qualities, the Dade County Courthouse was officially designated as a local historic site by the City of Miami on November 26, 1985. This designation applied only to the building exterior and surrounding plaza.

In 2018, the Courthouse was included in the Government Subzone Rapid Transit Zone, bringing it under regulatory jurisdiction of Miami-Dade County. On October 21, 2020, the Historic Preservation Board amended the historic designation to include portions of the courthouse interior.



**Archaeological Zone Designation****Chambers West****Miami-Dade County, FL**

The Chambers West Archaeological Zone is comprised of two sites, one classified as a habitation/human burial site and the other a low-density artifact scatter/campsite. Both sites are likely to contain a largely intact set of well-preserved archaeological data with the potential to provide significant information about the region's prehistoric aboriginal chronological sequences, cultural patterns, and the environmental conditions under which they developed and evolved. The sites are associated with the Tequesta Tribe and the Glades Culture and may date to the Late Archaic Period. The Chambers West and Rising Pepper sites are two of only a few remaining tree islands in Miami-Dade County. Both are likely to yield important information on the cultural and environmental history of the Everglades, as well as information on burial practices and the health and mortality of prehistoric populations. The archaeological zone was designated by the Historic Preservation Board at a public hearing on January 16, 2019.





**Archaeological Zone Designation****Refugee Island****Miami-Dade County, FL**

Archaeological investigations at the Refugee Island Site has yielded significant, well-preserved data on regional aboriginal chronology, cultural patterns, and environmental conditions under which eastern Everglades tree island sites developed and evolved. The site is associated with the Tequesta Tribe and the Glades Culture, dating from the Glades I Late Period (AD500) through the Glades IIIA Period (AD1200). The Refugee Island Site (8DA2102) is one of the few tree island sites in Miami-Dade County that remain outside of Everglades National Park and is likely to yield important information on the cultural and environmental history of the Everglades, as well as information on burial practices. The archaeological zone was designated by the Historic Preservation Board at a public hearing on March 16, 2022.



**Historic Site Designation**

**Liberty City Elks Lodge**  
**6515-6525 NW 18<sup>th</sup> Avenue**  
**Miami-Dade County, FL**

Built c.1956 and located in the Liberty City neighborhood, the Liberty City Elks Lodge is home to Elks Lodge #1052 and Liberty Temple #724. The Lodge and Temple date to the early 1940s and a previous wood frame structure on the site that housed the Lodge was replaced with the current building in 1956, with an addition constructed in 1958. The Lodge is one of the last active lodges in Miami-Dade County affiliated with the Improved Benevolent and Protective Order of the Elks of the World (IBPOEW), an African American fraternal organization founded in the late 19th century. The Lodge was designated by the Historic Preservation Board at a public hearing on July 21, 2021.



## Historic Site Designation

### Caves Residence

**29150 SW 167 Avenue**

**Miami-Dade County, FL**

Built c.1920 and located in the historic farming community, the Redland, Robert E. Caves originally erected his family residence on SW 167 Avenue at 292 Street after claiming a 160-acre homestead in 1910. The home was moved to its current location in 1956, following the death of Robert Caves. In spite of alterations that have been carried out over time, the one-story residence remains an excellent example of early 20th century wood-frame vernacular architecture that defined South Dade's agricultural community.

The property was designated concurrently in an cooperation with the property owner's zoning application, which approved a new plat and subdivision of single-family residences to be constructed on the former farmland. The residence was designated by the Historic Preservation Board at a public hearing on July 21, 2021.





### Ad Valorem Tax Exemption Program

The Office of Historic Preservation reviewed the Ad Valorem Tax Exemption program to streamline the process for applicants. All pending applications were reviewed and proactive communication with applicants was undertaken to facilitate a better understanding of the application and approval process. The Office of Historic Preservation also improved coordination between the various municipal preservation offices and the Office of the Property Appraiser to make the administrative process more efficient.

During the reporting period, the Office of Historic Preservation processed 34 applications, with 18 Historic Preservation Board reviews and 16 final approvals issued by the Board of County Commissioners, in addition to intaking 30 Part I and Part II applications.



*Continental Hotel  
Collins Waterfront Historic District, Miami Beach*



*Montgomery House  
Individual Historic Site, West Miami*

## National Register of Historic Places Nomination Reviews

As a Certified Local Government, the Miami-Dade County Historic Preservation Board is charged with reviewing any nominations to the National Register of Historic Places within the Board's jurisdiction. During the reporting period, the Historic Preservation Board reviewed two such nominations.

### Hampton House

The Hampton House Motel is associated with Miami's Black social and community life and history, particularly the Civil Rights-era of the 1950s and 1960s. The Motel is associated with prominent local and national figures including Dr. Martin Luther King, Jr., Muhammad Ali, Malcolm X, Dr. John O. Brown, A.D. Moore, Dr. Edwin Shirley, and numerous musicians and entertainers. The property historically was a complex that included apartments, motel accommodations, meeting and conference space, a night club, offices, a restaurant, package store, beauty salon, and outdoor swimming pool. The Motel was designed by Miami architect Robert Karl Frese. After falling into disrepair after closing in 1976, the motel remained vacant for many years. Due to the leadership efforts of Dr. Enid Pinkney, the County ultimately acquired the property and it was restored from 2013-2015. Today the Historic Hampton House Community Trust, Inc. operates the Hampton House as an event venue and historic museum. The site was designated as a Miami-Dade County historic site in April 2002. It was listed on the National Register of Historic Places on February 7, 2022.



**Fisher-Sapero Residence**  
**8900 Carlyle Avenue**  
**Surfside, FL**

Built in 1954 by architect Gilbert M. Fein for the family of Morton and Pearl Fisher. The Fisher-Sapero Residence is historically significant for its association with the continued development in the Town of Surfside through the Altos Del Mar subdivision, originally platted during the 1920s, and as an exemplary example of a Ranch structure with regional/Miami Modern (MiMo) elements constructed during the 1950s building boom in Surfside by a locally significant architect for a locally significant family. The site was designated as a county historic site on September 30, 2020. The National Register of Historic Places listing is being proposed based on its architectural qualities.





## Historic Site Vulnerability Assessment

In 2019, the Office of Historic Preservation completed a Historic Site Vulnerability Assessment, which created an objective matrix against which to assess the vulnerability of our designated historic sites to flooding impacts. As a founding member of the Southeast Florida Regional Climate Change Compact and Resilient305, Miami-Dade County is well-positioned to lead coastal communities towards a future in which climate resilience is an automatic facet of any policy conversation. This study was undertaken within that context to provide the Office of Historic Preservation with the data and insight needed to approach resilience planning for Miami-Dade County's historic landscape. The recommendations included in this study have led to several additional initiatives and projects.

**MIAMI-DADE COUNTY**  
OFFICE OF HISTORIC PRESERVATION  
**HISTORIC SITE  
VULNERABILITY ASSESSMENT**



## **Resilient Rehab: A Guide to Historic Buildings in Miami-Dade County**

### **Updated design review guidelines**

The Miami-Dade County Office of Historic Preservation in partnership with Shulman + Associates and sponsored in part by the Department of State, Division of Historical Resources and the State of Florida, completed Resilient Rehab: A Guide to Historic Buildings in Miami-Dade County. These design review guidelines enhance and support our preservation efforts, but more importantly, they serve as an invaluable resource to the owners and stewards of historic properties, supporting them in the care of our built and cultural heritage.

Per Miami-Dade County Code Sec. 16A-8, the Historic Preservation Board (HPB) may, in addition to the Secretary of the Interior's Standards, establish additional standards to aid in regulating historic preservation in the county. Resilient Rehab: A Guide to Historic Buildings in Miami-Dade County was created with the intent to be adopted by the Historic Preservation Board as additional governing standards. The Board of County Commissioners adopted Resilient Rehab as the County's historic preservation guidelines on February 1, 2022.





## From Metropolis to Global City Heritage Education Project

The Miami-Dade County Office of Historic Preservation in partnership with Shulman + Associates and sponsored in part by the Department of State, Division of Historical Resources and the State of Florida, completed *From Metropolis to Global City: Architecture and Planning in Miami-Dade County (1941-1989)*. This heritage education project was completed as a compendium to the County's seminal publication, *From Wilderness to Metropolis: History and Architecture of Dade County (1825-1940)*.

Equally important to Miami-Dade's unique sense of place is the post-World War II boom. Large swaths of the county remained unimproved through 1940. Developers began identifying new opportunities in the swampy lands and remnant hardwood stands and began platting new communities, with major growth starting in earnest following World War II. The close of the war had major effects on the character of the county. Many returning soldiers had trained on the beach and relocated after the war to enjoy life in paradise. Optimism and hope for the future pervaded our national zeitgeist. This optimism was translated into our planning principles and architecture.

With Miami-Dade being a relatively 'young' metropolis, this post-1940 history is also crucial to understand and preserve. Recognizing this, the County completed this update to

*From Wilderness to Metropolis*, exploring the era from 1940 to the 1980s. *From Metropolis to Global City: Architecture and Planning in Miami-Dade County (1941-1989)* completes the architectural story of the contemporary era.



## Historic Preservation Board Accomplishments since Established

- In the early 1980s, completed a historic sites survey of Dade County (over 6,000 sites)
- Since that time, the office has designated more than 180 historic and archaeological sites/zones and 6 historic districts throughout the county
- Published the following:
  - *From Wilderness to Metropolis: The History and Architecture of Dade County (1825-1940)*
  - *Resourceful Rehab: A Guide to Historic Buildings in Dade County*
  - *Redland: A Preservation and Tourism Plan*
- Applied for and received grants for survey updates
- Established minimum standards for municipal historic preservation ordinances and boards
- Provided technical assistance on various preservation projects throughout the county
- Received and administered Knight Foundation Grant for post-hurricane Andrew assistance for historic properties
- Post-hurricane Andrew update of historic sites in South Dade
- Received and administered grant for MacFarlane Homestead Historic District which included providing an affordable housing workshop
- Received and administered grants for the rehabilitation of four low to moderate-income single-family houses in the MacFarlane Homestead Historic District
- Received and administered grants for the rehabilitation of the Redland Farm Life School a.k.a. Redland Elementary
- Became the first Historic Preservation Board in the State of Florida to institute the Ad Valorem Tax Exemption for historic properties.
- Staff have conducted extensive research and excavations on the renowned Miami Circle archaeological site, and worked to secure financial support from the state in purchasing the site for preservation.
- Since 1997, the Office of Historic and Archaeological Resources (OHAR) has conducted over 1800 cultural resource assessments in conjunction with the State Historic Preservation Office
- In 2009 finished up a county-wide survey, the first of its kind in the state, that surveyed all eligible historic structures in areas that could receive U.S. HUD Community Development Block Grant assistance
- Administer Public Housing and Community Development grants that assist with the administrative costs of the Office
- Hold bi-annual preservation law workshops for the members of the Board to review important case studies, our ordinances and legal requirements.
- Pursued a programmatic agreement with the Department of State to streamline and make more cost effective our processes for environmental reviews that we perform for Public Housing and Community Development (PHCD).

- In 2010, worked with the organization Habitat for Humanity to design and implement infill housing that will be compatible with the character of houses within historically eligible areas
- In 2011, moved the Office of Historic Preservation to a new floor and in the process did a major clean-out and reorganization of all the office files and archaeological artifacts.
- In 2011, updated all the forms currently used by the public, including the COA (Certificate of Appropriateness) form and Ad Valorem application, turning them into digital (fillable online) applications, providing Spanish versions as well.
- In 2011, started an annual County Historic Preservation Awards program, to recognize individuals and organizations that have been strong advocates for historic preservation.
- 2013/2014 – County archaeologist played an important role in the ongoing excavation and interpretive activities of the Met Square/Tequesta/Fort Dallas/Royal Palm Hotel site. County staff assisted in significant mediation efforts between the City of Miami and the developer.
- In 2014, performed a windshield survey of the Collins Avenue commercial corridor in Surfside, FL.
- In 2014, researched, wrote, and prepared a National Register nomination for the Doc Thomas House in South Miami. Coordinated with State and Federal officials to obtain National Register status.
- In 2014, the County received a state grant for a comprehensive archaeological survey for the Deering Estate at Cutler.
- In July 2016, designated two historic districts, Collins Avenue Historic District and Richmond Heights historic district, the first districts to be designated in over 20 years.
- In November 2016, the Historic Preservation Ordinance underwent a major overhaul to streamline processes for identifying and protecting historic resources, improving the functionality of the Historic Preservation Board, and provide for more opportunity for municipal participation. It is the first time the ordinance has been revised since 2003.
- In 2017, received recognition from the Florida Department of State for being a Certified Local Government in good-standing for 30 years
- In 2017, the Office of Historic Preservation processed a total of 50 Certificates of Appropriateness/Certificates to Dig, with 3 requiring Historic Preservation Board review.
- In 2017, Office of Historic Preservation reviewed the Ad Valorem Tax Exemption program to streamline process for applicants.
- In 2017, the Office of Historic Preservation processed 23 Ad Valorem Tax Exemption applications, with 15 Historic Preservation Board reviews and 8 final approvals issued by the Board of County Commissioners.
- In 2018, the Office of Historic Preservation processed 10 Ad Valorem Tax Exemption applications, with 2 Historic Preservation Board reviews and 8 final approvals issued by the Board of County Commissioners.



- In 2018, the Office of Historic Preservation processed a total of 56 Certificates of Appropriateness/Certificates to Dig, with 4 requiring Historic Preservation Board review.
- In 2018, designated two historic sites and one archaeological zone, and reviewed two National Register of Historic Places nominations.
- In 2018, worked with Place Economics to complete study analyzing the economic impact of historic preservation in Miami-Dade County.
- In 2018, the Office of Historic Preservation assisted PROS with the applicant and award of a state historic preservation grant for Orchid Jungle.
- In 2018, the Office of Historic Preservation reviewed 3 National Register of Historic Places for resources within the City of Miami, in accordance with the City of Miami Historic Preservation ordinance.
- In 2018, the Office of Historic Preservation played a major role in the Phase II archaeological survey at Deering Estate at Cutler, funded by a state historic preservation grant.
- In 2019, the Office of Historic Preservation completed its Historic Site Vulnerability Assessment in focus of the challenges and concerns related to sea level rise vulnerability among the County's 128 historic sites and eight historic districts.
- In 2019, the Office of Historic Preservation completed the Thematic Research Study for Cold War Resources, as per the directives adopted by the Board of County Commissioners under Resolution Nos. R-159-17 and R-398-17.
- In 2020, the office of Historic Preservation obtained a Florida Division of Historical Resources Small Matching Grant to develop updated design review guidelines. adopted Resilient Rehab, a contemporary update of its Preservation Rehabilitation Guidelines.
- In 2019, HPB designated one archaeological zone and amended the boundary to an existing historic site; they reviewed five Special Certificates of Appropriateness and two ad valorem tax exemption applications.
- In 2020, HPB designated one historic site and amended two existing historic site designations; they reviewed six Special Certificates of Appropriateness and four ad valorem tax exemption applications.
- In 2021, HPB designated three historic sites; they reviewed 14 Special Certificates of Appropriateness and two ad valorem tax exemption applications, and one National Register of Historic Places nomination.
- In 2021 the County obtained a Florida Division of Historical Resources Small Matching Grant in 2021 to update From Wilderness to Metropolis, exploring the era from 1940 to the 1980s.
- In 2021, initiated redesign of our website to enhance community engagement and transparency.
- In 2021, the Historic Preservation Board voted to adopt Resilient Rehab: A Guide to Historic Buildings in Miami-Dade County as the HPB's governing standards via HPB Resolution No. 2021-22.
- In 2021, OHP launched the Heritage at Risk Survey, initiating a long-awaited effort to identify, document and assess significant resources at risk of loss and

those that associated with the cultural heritage of our communities to support expanded representation of resources reflective of our diverse communities and distinctive styles defining our built environment.

- In 2022, HPB designated two historic sites and one archaeological zone; they reviewed 10 Special Certificates of Appropriateness and eight ad valorem tax exemption applications, and one National Register of Historic Places nomination.
- In 2022, OHP launched the GIS StoryMaps section of the redesigned website. This successfully incorporated supplemental StoryMaps on Public Housing and Urban Renewal and Hotels of the New Mass Tourism from maps derived from the Wilderness to Metropolis project to the Preservation website.
- In 2022, the Board of County Commissioners adopted Resolution No. 115-22 on February 1, 2022, establishing Resilient Rehab: A Guide to Historic Buildings in Miami-Dade County as the County's historic preservation guidelines.
- During the reporting period, the Office of Historic Preservation received numerous awards, including:
  - 2020, Dade Heritage Trust Historic Preservation Award, *Historic Site Vulnerability Assessment*
  - 2021, APA Florida Gold Coast Chapter, Best Practice Award, *Resilient Rehab: A Guide for Historic Buildings in Miami-Dade County*
  - 2022, Dade Heritage Trust Historic Preservation Award, *Resilient Rehab: A Guide for Historic Buildings in Miami-Dade County*
  - 2022, National Association of Counties, *Leveraging Historic Preservation for Equity*
  - 2022, National Association of Counties, *Historic Preservation as Climate Action*